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# THE NEW REPUBLIC

*June 22, 1968, 40 cents*

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**Robert Lowell on R.F.K.**

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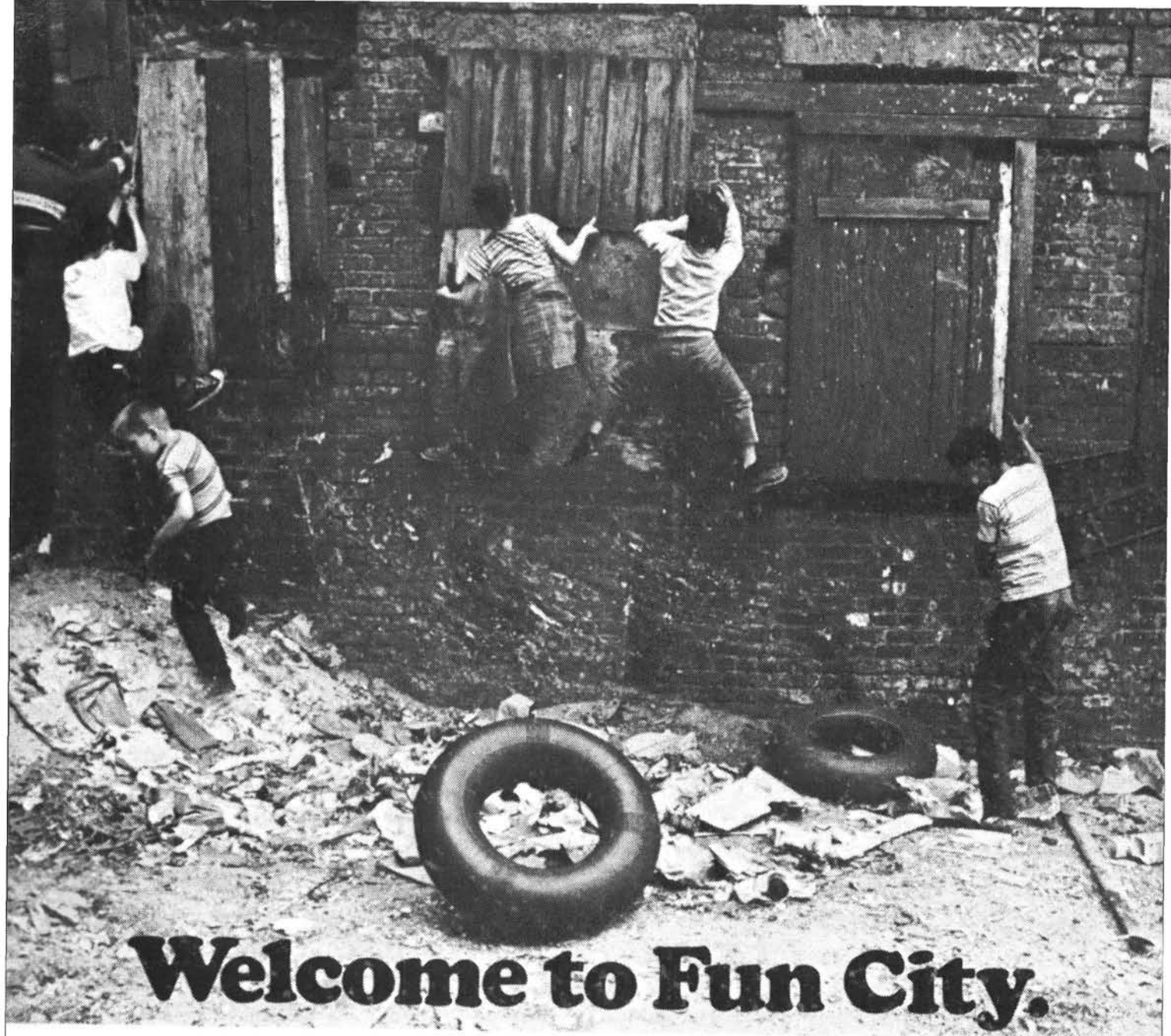

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# T.R.B. from Washington

*"Win the War"*

★ A couple of remarkable newspaper articles have appeared recently which we think you ought to know about. The *Chicago Daily News*, May 25, in an eight-column front-page story from Keyes Beech in Saigon reported a top-secret directive to all US field commanders telling them to win the war in the next three months. It appeared to be a request to step up the war to give the US a stronger hand in Paris.

Apparently North Vietnam stepped up its activities, too. Saigon now is being hit with rockets day and night and there seems no way to stop it. Morale is suffering. (Figures of a week's American casualties released June 7 were 4,308 including 438 dead, the highest casualties in the war. Total US dead so far is 24,000.) There the grim fact is. There has been about the normal denunciation among hawkish newspapers of "hypocritical" and "perfidious" communists who negotiate peace while increasing the war. Very likely they missed the Keyes Beech story. Authorities here acknowledge the US directive, but say it was just a morale booster.

The other story was on the front page of the *Los Angeles Times*, May 31, from Stuart H. Loory, Washington correspondent. It gave what purported to be a step-by-step reconstruction of how President Johnson came to his stunning decision to seek peace in Vietnam and not run. On the evening of March 18, the story says, a momentous briefing occurred here for the nine members of Mr. Johnson's prestigious Senior Informal Advisory group. Included were former Undersecretary of State George Ball; Arthur Dean, Korean peace negotiator; Dean Acheson; Generals Ridgeway, Omar Bradley and Maxwell Taylor; McGeorge Bundy; Cyrus Vance and Douglas Dillon.

The Group met at dinner with Dean Rusk, Defense Secretary Clark Clifford, Averell Harriman, Walt Rostow, Gen. Earle G. Wheeler, chairman of the Joint Chiefs, Richard Helms, CIA head; Paul Nitze, deputy defense secretary, Nicholas Katzenbach and William P. Bundy, Far Eastern specialist at State.

After careful discussion the government officials left and the Group received three crucial briefings. Philip C. Habib, deputy to William Bundy, gave what appears to have been a brutally frank account of conditions in South Vietnam after the Tet offensive. Maj. Gen. William E. DePuy, special assistant to the Joint Chiefs, discussed the military situation, and George Carver gave CIA's estimate of conditions in the war zone.

The briefings by DePuy and Carver reflected what some interpreted as a dispute between military and CIA over enemy strength, with striking discrepancies. Next day, on the morning of March 19, the Advisory Group reassembled in the White House to deliver its verdict: "It was a striking turnabout in attitude for all but Ball," Loory reports. (Ball had been a dove from the start.)

After lunch with the President the Advisory Group told their changed view. "He was reportedly greatly surprised at their conclusions. When he asked them where they had obtained the facts . . . the Group told him of the briefings by Habib, DePuy and Carver." The Loory account, somewhat condensed, continues:

"Mr. Johnson knew that the three men had also briefed his governmental advisers, but he had not received the same picture of the war as Rostow presented the reports to him. As a result of the discrepancy, the President ordered his own direct briefings. Habib was reportedly as frank with the President as he had been with the Advisory Group."

On top of this, Clark Clifford, as the new Defense Secretary, came to the same conclusion as McNamara had done, that the bombing was not achieving its objectives.

And so, as Loory's interpretation goes, "eight prominent hawks and a dove, all from outside the government" delivered the verdict to the President: stop escalating, forget about a battlefield solution; intensify efforts to seek a political solution.

*Wasted Years*

★ These two news stories went unnoticed by many, but not by Robert Kennedy. In a remarkable speech, May 31, before the Commonwealth Club at San Francisco, Mr. Kennedy referred to "field commanders . . . directed to seek victory; later we are told this is only a 'pep talk'." And he grimly followed with the essence of the Loory dispatch, describing it as the story of "how the decision to seek negotiations was made." He said that "the government's own officials confirmed . . . that only a South Vietnamese government able to win the loyalty of its own people could use our support effectively – and that only such a government would deserve our support."

It was perhaps the most hard-hitting speech on Vietnam Mr. Kennedy ever made: "all the errors, all the wasted years and opportunities of the past, have at last come home to roost." He said of the reported conclusions of the Senior Advisers: "These were my analyses and predictions about the escalation policy beginning in 1965."

Well, so much for that. Our purpose is not to write a vindictive "I told you so" article. It is rather an effort to appraise where we stand.

It seems to us that the realization that the US has lost the war is slowly seeping into public consciousness.

So what do you do with an Administration that has lost a war? Can there be much dispute? Mr. Johnson would desperately like to give a last gift to his party, a peace settlement. We hope, of course, for all our sakes that he does. We suspect that it won't come, however, until there is a new Saigon government.

And like it or not, the ultimate solemn question must be asked, for what have the 24,000 young Americans – increased by 500 each week – given their lives?

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**THE NEW REPUBLIC** *A Journal of Opinion Volume 158 Number 25 Issue 2794 June 22, 1968*
*Published weekly (except the last week in July, the second and fourth weeks in August and the last week in December) and distributed by* The New Republic, *1244 19th St., N.W., Washington, D.C. 20036. Phone FEderal 8-2494. Single copy 40c. Yearly subscription $10; Foreign $11; Armed Forces personnel or students, $6. Send all remittances and correspondence about subscriptions, undelivered copies, and changes of addresses to Subscription Department,* The New Republic, *381 West Center Street, Marion, Ohio 43302.* *Copyright© 1968 by Harrison-Blaine of New Jersey, Inc.* *Item g. Second Class Postage Paid at Washington, D.C. Indexed in* Readers' Guide.

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# Time Enough

If 1968 turns out to be a Republican year, don't blame the Republicans. It will not be because of what they have been, but what they have not been: in charge of the national government. They need not claim any more for themselves than that; they need only be there, as something *other*. They will be helped in this role if Hubert Humphrey is nominated by the Democrats, for he is what we have had. Humphrey is the number two man in the current management, and that fact is its own indictment. If the present management is found wanting, or, in the case of Vietnam, disastrous, why not try something else? It will not even be necessary to debate whether our Vietnam policy has been good or bad. ("If Nixon and Humphrey should be the candidates in the general election, I don't think our views of the war would be too far apart," said the Vice President in an interview in *U.S. News & World Report*.)

That is the way it may be, ins against outs and nothing more. And yet, too much has happened in the past six months, too many hopes have been raised, too much energy by too many volunteers has been poured into politics for us now to conclude that the conventions are locked up, the people locked out, or to grant the inevitability of a Democratic candidate who is locked into the deeds and misdeeds of the Johnson Administration. Something *is* alive in the country, there is a discernible popular desire for a fresh start, for new policies. It is true that there is not much time; the national conventions are a little more than two months off. But it is time enough for the people to take the business of governing in hand, to demand not a return engagement, but new players and a new script. Not even already pledged delegates can be totally indifferent to popular sentiments. Those who say the future is foreordained have too mechanistic a view of human behavior. The campaigns of Eugene McCarthy and the late Robert Kennedy are evidence enough that the public wants and responds to new leadership. The people *can* count, and if this is romanticism, then so is democracy. Ordinary citizens can write letters, send telegrams, talk to delegates, show up in Miami and Chicago, and shout.

Nelson Rockefeller, who has suddenly come to life, is the GOP's new look, and its only hope of attracting a substantial number of Democrats and independents. In the Democratic Party too, there is now only one candidate who represents a clean break from a constricting past – Eugene McCarthy. Oddly, McCarthy too has the merit of being the only candidate his party could nominate who would

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## *As You Were*

There are . . . an immense number of rebellious electors whose votes will determine the result of the election, but the Republican Party is not the only political institution and agency with which they are disgusted. Many of them have lost confidence in both parties and are seeking as an outlet for their reaction the formation of a third party which will give voice to a more specifically and energetically progressive point of view. But probably there are a still larger number who are dissatisfied not merely with one party or both parties but with the whole paraphernalia of American politics as a means of accomplishing what they take to be desirable public purposes. In our opinion this group of malcontents who are vaguely but fiercely and radically disgruntled with politics in general is the largest and most unmanageable body of voters whom the Democratic managers have to consider. . . . The Democrats need its support in order to elect their candidate.

Popular dissatisfaction with politics in general springs from many sources. There are conservative alarmists who scent a revolution in the near future and who are impatient and irritated because party politics in time of peace is not sufficiently vigorous in campaigning against radicalism. There are progressives who are disheartened at the apparent hopelessness of accomplishing by political means reforms which they consider to be of major importance. . . . Above all, there is a growing popular feeling that politics as now conducted is futile and unreal – that it is an occupation full of sound and fury, signifying nothing. . . . What the political effects of this exasperation and disenchantment will be, it is extremely difficult to guess. . . . Probably its most common effect on the conduct of the voter will be to keep him entirely away from the polls.

If the Democrats should as the result of the coming election enter at once into the possession of the federal government, they would fail almost as completely as the Republicans have in legislating to meet the national economic needs. They are subject, although in a smaller degree, to the same compulsions which condemn the Republicans to dissension as soon as they attempt, except in a superficial and noncontentious way, to deal with serious economic problems.

There remains a large number of average Americans who are not thorough-going Democrats, Republicans, progressives or socialists, but who are for one reason or another disgruntled and dubious. The Democratic candidate must pull them out of their lethargy, irritation and skepticism. Can he do it? If so, how? and who is he?

*The New Republic*, July 2, 1924

appeal to voters from the other party. Even on the narrower measure of acceptability within his own party, however, McCarthy rates well. The delegates who go to Chicago, many of them local officeholders who need a winning ticket to survive themselves, should ponder the evidence from recent primaries. Democratic voters in primaries have made it quite plain that they are not merely indifferent to the present leadership, but are hostile to it.

It remains to be seen in the coming weeks whether McCarthy can speak *for* the ghetto as well as to it, whether the disadvantaged will come to see in him the ardent, engaged advocate they found in Robert Kennedy. McCarthy's sympathies for the deprived and his voting record on civil rights and measures to alleviate poverty are attack-proof. But his capacity to make that convincing has not been put to its full test. The Senator's claim to the allegiance of the disaffected rests, basically, not on his "style," but on the decision he made last year to cut loose from a discredited establishment, on his seeing then how dangerously adrift this country was, and on his firm opposition to the ruinous war in Asia. Last week, launching the post-primary campaign, McCarthy set forth again the basic issues which underlie his case: ending the war and the "militaristic thrust of American foreign policy"; reordering our priorities so that we may deal effectively with "the problems of poverty and racism"; and putting the political process to the test of just such a challenge as he is making within his party.

Where now? It would be inhuman to expect that those who worked most closely with Robert Kennedy could rally around McCarthy at the moment. There is too much shock and bitterness. But for the many thousands who stood at greater distance, yet for whom the Kennedy cause was a passionate command for new directions, the way to go is clearly marked. That applies also to the troops, young and old, who first rallied to McCarthy and who remained with him through the primaries. They have tough battles to fight, though they are not the same battles as were fought up to and through California.

This election, as has been said often enough, is a test of our nation's capacity for renewal. At issue is the hope of reconciliation between citizens and their government, between the generations, between the races, between city and suburb, the comfortable and the oppressed, between America and the world. We can recreate a community of trust, the neighborly society, but only by turning away from complacency and addressing ourselves to unmet needs of the American people and to the futility of what we have been doing in Vietnam. That is what Senator McCarthy knows. That is why he is the best hope of his party and his country.



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# Rigging the Jury

The President's Violence Commission is a political panel formed in Lyndon Johnson's usual way to represent his long-dissipated consensus of the disparate elements in American life – rich man, poor man, beggar man, thief, doctor, lawyer, Indian chief. In this case a crony (Hale Boggs), a longshoreman, and a senator representing the gun lobby. The commission was a well-meaning response to an irremediable tragedy but it was stillborn. Roman Hruska and Eric Hoffer shoot from the hip. By making public conclusions on the role of violence in America within hours of their appointment they made it clear that the jury was already beginning to return with its verdict on violence – a year before a verdict was due. This is the point Arthur Schlesinger made on *Face the Nation*: "One member of the commission, Senator Hruska of Nebraska, has been a leading spokesman in the Senate for the gun lobby and the National Rifle Association. Putting Senator Hruska on this Commission on Violence is like sending Typhoid Mary to stop a typhoid epidemic. Another member . . ., Eric Hoffer, has already prejudged the thing by saying this was some Jordanian and the American people shouldn't feel the slightest connection with this." Schlesinger's advice was that they both quit.

Even if the commissioners were more deliberate and even if the President had thought to appoint at least one person from the academic community who has spent his career trying to understand violence, the effort would be unsatisfactory. It would take more than a year for the commissioners to answer all the questions Lyndon Johnson put to them. And they still would not, if they followed his charge to them, take up one matter that surely affects all of our attitudes toward violence as a solution to human problems – the war in Vietnam. That is something the President didn't even allude to. And that omission illustrates something that has been clear about President Johnson at least since he ignored the recommendations of the Kerner riots commission. There are some things he simply doesn't want to know.

# Ominous Absentee

The United Nations didn't know President Johnson was coming on June 12. Save for a word in the private ear of the General Assembly president by Arthur Goldberg, the visit was unannounced in line with new security precautions. Mr. Johnson paid them little heed, leaning over barriers to shake hands with strangers. His speech on UN endorsement of the nuclear non-proliferation treaty struck just the note the Assembly wished to hear. This country and Russia will, he promised, "search for an agreement that will not only avoid another costly and futile escalation of the arms race but will deescalate it." Here's hoping. The Russian leaders have gone out of their way to emphasize that the spirit of Glassboro, the New Jersey town where LBJ and Kosygin met on June 4 last year, can't be maintained while the Vietnam war lasts. Nevertheless, they've hinted that they'd like to save themselves scores of billions of dollars by not building a new anti-ballistic missile system. This country by similar abstention could save up to $100 billion, and God knows both nations can use the money to better purpose; we for replacing slums and ending bitter poverty (not to speak of cutting taxes), the Soviets for more consumer goods in their consumer-starved, steel-eating society.

As Mr. Johnson said, the next step after avoiding a new arms race, ought to be a cutback on existing overkill. That would meet the views of William C. Foster, Adrian S. Fisher and their men at the Arms Control Agency. For six years they battled for the non-proliferation treaty. Next month, a new round of disarmament talks begins in Geneva among 17 countries. It may be their chance to send the world on a downward arms spiral, not before time. Scientists are sounding the alarm about the imminence of bargain-basement atom bombs literally manufacturable in basements.

Both Israel and Egypt approve the non-proliferation treaty aimed against a spread of nuclear arms; Egypt's Ismail Fahmy steered the treaty through the Political Committee. Most of the Arabs approve. The chief abstainers apart from some Africans are France, India and Brazil. The Brazilians want a better deal on peaceful nuclear uses. The French say they won't sign the treaty, but will abide by it. India is holding out for a stronger umbrella against a possible but improbable Chinese nuclear attack. China was the ominous absentee. World nuclear disarmament is stalled so long as the quarter of the human race living in China stay aloof from disarmament talks and are outside the United Nations. In short, the non-proliferation treaty is a step forward but its endorsement by 95 nations merely buttresses the argument that some Asian and African countries put forward in the Political Committee debates. They said it's essential for China to participate in the disarmament talks at Geneva and to take its place at last in the UN. So long as China remains outside the world forum, it will regard everything done in New York as a Russian-American plot, and therefore will go on sneering at invitations to Geneva, and rejecting them.



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# Columbia Quiz

Not everybody at Columbia University got involved in the recent unpleasantness. The Graduate School of Journalism, for example, produced only one student demonstrator (unless one includes those working undercover as reporters for *Life*. And they were asked to turn over part of their pay to the university). The J-school students had learned the values of disinterested reporting. When confronted with local action in which they had a stake they chose to be observers rather than participants. Similarly the university's Bureau of Applied Social Research turned inward to look dispassionately at the crisis.

Thus while some students occupied buildings, the journalists and the sociologists were plying their trades. Allen H. Barton handled the introspection for the Bureau of Applied Social Research, sending out questionnaires to 2,000 faculty and 3,400 students asking such questions as "How do you feel about the holding captive of Acting Dean Coleman in Hamilton for a day – was it definitely justified, probably justified, probably unjustified, definitely unjustified?" and "How do you feel about the sit-ins examining and copying of President Kirk's files in his office at Low [library]?"

Only seven percent of the faculty and 11 percent of the students approved the captivity of Dean Coleman; a slightly larger percent thought going through President Kirk's files either probably or definitely justified. Dr. Barton and his colleagues dismissed this as a "tiny minority" and seemed not at all astounded that seven percent of the responding university faculty sanction under certain circumstances the kidnapping of university administrators. Barton was kind enough not to ask how many students and teachers would like to see Grayson Kirk fired or retired. That would be pushing university subsidized inquiry a little too far.

# Arming the Nigerians

On May 30 last year the eastern part of Nigeria, the most populous country in Africa, seceded and set up as a state on its own called Biafra that a number of countries have since recognized. This May 31 the Biafrans walked out of talks held to try to halt the civil war that followed last year's secession. The Biafrans said that the Nigerians didn't really want peace, all they wanted was surrender. In this allegation there appears to be a great deal of truth. At prior talks held in London, the principal Nigerian delegate, Chief Anthony Enahoro, approved an agenda that put the emphasis on arranging a cease-fire, with a view to further talks after that. But at the cease-fire talks, held in Kampala by courtesy of the Uganda government, Enahoro seemed to be presenting the Biafrans with a take-it-or-leave-it plan that amounted to their total surrender and acceptance of a Nigerian occupation. So the civil war in Africa goes on, and threatens to get still bloodier.

The day before the Biafrans walked out of the Kampala talks, their military leader, Colonel Ojukwu, celebrated the first anniversary of the declaration of independence by calling for all-out guerrilla war. It is estimated that the fighting is costing both sides more than 10,000 dead every month. The Nigerian forces, consisting mostly of northern tribesmen, have pushed into Biafra, where they are reported to show no mercy but kill everyone in sight. Thousands of Biafrans have already discovered that to surrender is the same as committing suicide.

One of the most chilling aspects of the war from the outside world's view is that the mutual slaughter has been actively assisted by Russia, Britain and Egypt supplying the Nigerians with modern arms, while the Czechs and Portuguese arm the Biafrans. At the start, this country and Britain refused to sell weapons to either side, but Britain meekly fell in line when Nigeria got supplies from Russia, Egypt, France, Italy and West Germany. The three latter countries have ceased supplying arms, but Russian bombers piloted by Egyptians continue raining down Soviet fragmentation bombs and napalm on Biafrans who have Czech arms.

Now that peace talks have broken down, it would seem to be the obvious duty of the United Nations Security Council to strive for a total embargo on shipments of arms, and of Britain to urge the Nigerian leader, General Gowon, to halt his invasion of Biafra and make a cease-fire possible by modifying his terms for a peace settlement. The Nigerians have been talking as if they were Northerners fighting the American Civil War all over again, and secession was unthinkable. In fact, Colonel Ojukwu has about as much (or as little) claim to legitimacy as General Gowon, who owes his current ascendancy to a series of obscurely motivated military coups. Northern Nigeria, which has the biggest say in the Gowon junta, professes to fear that one successful secession will be followed by a rash of them in the south, cutting the north off from valuable oil and other resources. But some Nigerians as well as some Biafrans have kept their cool and don't see why there can't be a Nigerian commonwealth of independent states that would still preserve the closest economic ties. That is the economic picture in East Africa, which has common services and a common market. Such a formula would or should allay the Nigerians' fears, and ought to be pressed determinedly on them, instead of arms. But the first step is the internationally supervised cease-fire requested by Biafra.



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# In Brands We Trust

*"Reputation. There is no generic equivalent. A reputation is earned, not bestowed. Your Rx for a pharmaceutical specifying a brand or manufacturer's name expresses confidence in the manufacturer's integrity, uncompromising production standards, quality control, and his dedication to the public welfare. There is no generic equivalent for reputation; it cannot be bought or duplicated."*

Pharmaceutical Manufacturers Association

*"E. R. Squibb & Sons is one of the major drug manufacturers in this country. . . . It is unfair and detrimental to the public at large, that this firm should have allowed itself to operate under such extremely poor manufacturing practices that resulted in numerous mixups, recalls, adulterated, and misbranded drug products. When a firm of the stature of E. R. Squibb & Sons, a name trusted by the medical profession, operates under conditions whereby their entire output is open to question it is a cause for serious concern."*

The first message above comes to us, or rather the readers of the January 26 *Medical World* magazine, through the courtesy of the PMA, the official mouthpiece for the drug industry. The second is a statement by a Food and Drug Administration official explaining a court indictment of one of America's most reputable drug firms. In the quoted PMA ad is a bottle labeled "Reputation" – something PMA believes is the registered trademark of the high-priced, well-known, expensively advertised and promoted prescription medicine that PMA pushes. Reputation cannot be bought (even in costly magazine ads?) but it can be sold.

PMA has placed an ad in *Reader's Digest*, in *RD's* editorial format, and disseminated reprints not identified as paid propaganda in behalf of brand name drugs. PMA has paid five economics professors $40,000 to testify before a congressional committee. It has registered two paid lobbyists with the clerk of the House of Representatives, despite the statement in PMA's *Prescription Drug Industry Fact Book* that PMA "is not a lobbying organization." (That is a statement PMA has been making ever since 1958 when its executive vice president wrote the Commissioner of Internal Revenue that "there are no legislative activities carried on directly or indirectly by PMA. . . .") Recently Senator Gaylord Nelson wrote several major drug firms for their opinions on a compendium of prescription drugs he hopes to have published. G. O. Lienhard, chairman of the executive committee of Johnson & Johnson replied: "Since our products are generally not regarded as prescription drugs, few if any of them would be listed in a broad compendium you have in mind. We think it would be inappropriate for us to comment on a proposal that is of primary interest to the prescription drug manufacturers." Yet Johnson & Johnson is a member of the Pharmaceutical Manufacturers Association, which organization describes itself as the "representative of manufacturers of prescription products." J&J *owns* two companies that are in the prescription drug field in a rather big way – McNeil Laboratories in Fort Washington, Pa., and Orthopharmaceutical Corporation in Raritan, N. J. The latter firm puts out Ortho-Novum, the well-known contraceptive pill available only through prescription. McNeil Laboratories, a medium-sized drug firm (with annual gross sales of something under $50 million) produces about 50 different prescription drugs. And J&J told a US senator it is not in prescription drugs.

Johnson & Johnson recently supplied Senator Nelson's monopoly subcommittee with scripts for 34 radio commercials for which the company has bought time in Washington, D. C. Each describes a specific contribution by the pharmaceutical industry to health (e.g. penicillin, tranquilizers, polio vaccine, epilepsy control, etc.). Each ad ends with the line – "another great contribution to better health and longer life by men and women with the freedom to pioneer new medical frontiers." This soft sell for an unregulated drug industry disguised as public service announcements has rankled the subcommittee staff since J&J has distorted the history of drug advances to play up the role of unfettered private enterprise (and play down government) in major medical breakthroughs. In script number one J&J touts the industry's role in the introduction of penicillin. Penicillin was discovered by the British bacteriologist, Alexander Fleming in 1929. In the United States penicillin research was conducted by the federal Committee on Medical Research of the Office of Scientific Research and Development. Production was coordinated by the Department of Agriculture. Dr. Vannevar Bush, director of OSRD commented in 1943 that "the pharmaceutical companies have cooperated" but only "after a fashion. They have not made their experimental results . . . generally available. . . ."

J&J similarly touts industry's achievements in diphtheria and whooping cough vaccines, which were discovered in Berlin and Copenhagen respectively. Diphtheria research in the US was done at the Michigan Department of Health Laboratories and paid for with public as well as private funds.

The deceptions of which the drug industry has shown itself capable will be a problem for the new FDA commissioner when he takes over from James Goddard on July 1. Dr. Herbert L. Ley was Dr. Goddard's own choice and is expected to be no patsy for the drug lobby. Although he's been somewhat less publicly outspoken than Goddard, he has not until now been in a position to speak out with such authority. One reason suggested for Goddard's retirement



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was the plan to interpose between the FDA commissioner and the Secretary of Health, Education and Welfare a division of environmental health to which the FDA commissioner will be responsible. This reorganization at HEW will deprive the FDA commissioner direct access to the Secretary and weakens FDA in its dealings with the drug industry. Dr. Ley must guard both his flanks.

DAVID SANFORD

# *The Kind of Gun Control We Need*

Neither the firearms controls already passed by the Congress, nor the additional steps proposed by the President amount to much. The provisions already approved prevent the mail order sale of pistols to individuals. At the President's request, the Congress now is dithering over whether it dare offend the National Rifle Association and include long guns in that prohibition as well.

While these measures may be an inconvenience to gun dealers, they will not impede the sale of firearms. For instance, should the firearms bill go into effect, it will no longer be possible to send away for the .30 caliber pistol-grip carbine called The Enforcer. Instead, you will have to get it through your local dealer, who will send away for it.

Since much of the mail-order business in guns is built around the import of inexpensive, sometimes cast-off firearms of foreign manufacture, the so-called gun control legislation has more meaning as a protectionist measure for the US weapons manufacturers. This is one reason why Senator Thomas Dodd, long a proponent of gun laws, has always concentrated on mail order guns. He comes from Connecticut, a munitions center. It also explains why in 1963 Dodd got the officers of the NRA to agree on a bill that, basically, is the same as the one recently passed by Congress. (At the time, this did Dodd no good, for the fickle crowd at the NRA turned right around and doublecrossed him by calling the membership out against the bill they had helped write. Dodd got called a communist for his trouble.)

Last week Dodd proposed registering firearms, a tiny step in the direction of sanity. Senator Joseph Tydings also proposed registering all firearms, and he wants anyone owning a gun to get a license. He would also require a license before ammunition could be sold to an individual, and Tydings would ban possession of all guns by anyone under 18. The Postmaster-General ruled that all packages containing firearms sent through the mail must be marked as such, and cannot be delivered until the local postmaster informs the police of the recipient's identity.

At this writing there is a fair chance that the House Judiciary Committee will report out and the House will accept the President's proposal to include long guns in the mail order prohibition. In the Senate the possibilities are somewhat dimmer, since the southern and western Democrats usually line up with Republicans against such measures. While the polls show anywhere from 70 to 90 percent of the people want tougher gun laws, westerners claim that the polls don't accurately reflect opinion in individual states, which they say runs against gun controls. Some of these people, however, may be shifting their position a degree or two. Senator Philip Hart, who has been against gun control, may now be turning around, and could cast a swing vote within the Senate Judiciary Committee for the President's modest proposal. After all, it will do him no real harm, and might make him look good.

The National Rifle Association, a tax exempt organization, with nearly one million members and an annual budget of $5.7 million, is the main lobby against gun control. As a matter of principle, the NRA believes law enforcement should not be left entirely to the police. The organization once put it this way: "Certainly guns are used for criminal purposes – some sort of weapon always has been – but anyone knows that boys have played with toy guns, swords, spears or what-have-you ever since the world began. In spite of overemphasis on 'juvenile delinquency' we have today more and better youngsters than ever before. Certainly, circumstances alter cases and there are times when a prudent man does not atttempt to 'out-draw' a determined criminal. But many competent police officers agree that fewer crimes of violence would take place if more honest citizens had guns and knew how to use them."

Last year more than 500 bills pertaining to gun control were introduced into state legislatures, and the NRA knocked them all out. The organization sends out flyers on pending legislation to members in various states, and they deluge legislators with letters.

Over the years the NRA has capitalized on its close



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ties with the Pentagon. The Defense Department sells surplus rifles to NRA members at cut-rate prices. It does so under provisions of a 1903 Act which directs the government to dispose of surplus weapons either as scrap or through the NRA. After the riots last summer, 400 Detroit policemen had to pay $5 membership fees in the NRA before they could purchase war surplus carbines for use in riot control.

Wild life and conservation organizations also are opposed to gun laws. The National Wildlife Federation, the Wildlife Management Institute and Izaak Walton League are among them. The ammunition and firearms companies support the first two. The firearms manufacturers support a federal excise tax on their products, part of which goes to finance the activities of state fish and game agencies, thereby enhancing the gun business.

None of the measures for control of firearms under consideration in Congress reach to the basic issue involved. Put simply, private citizens should be disarmed. A modest effort in this direction would include the following first steps: No person should be permitted to buy or possess a hand gun or ammunition for any hand gun. Possession of all automatic or semi-automatic firearms should be banned. So should all rifles. However, licenses for the purchase of shotguns for sporting purposes could be obtained from the local police chief who would be required to enforce certain federal standards. An applicant for a license, for instance, would need to be an adult with no criminal record. The license would be granted to purchase the weapon along with a permit for a limited amount of ammunition. The license would be good for one year. All firearms would be registered with the federal government. No dealers would be permitted to sell any firearms through the mails. Violators would be liable to a minimum prison sentence of five years.

The penalty for carrying a loaded firearm in any public place should be a minimum of one year in prison. If there was intent to cause injury, endanger life or resist arrest with a firearm, whether loaded or not, a minimum sentence of 10 years in prison, might be imposed. From time to time there could be an amnesty period during which people could turn in unregistered weapons without fear of prosecution.

The Defense Department should be directed to grind up all firearms. No weapons or ammunition should be given away or sold through the NRA.

Such measures should be accompanied by others to disarm the police of lethal weapons. Their casual use of these weapons merely invites response in kind.

Such laws would work a serious inconvenience to sportsmen and hurt the profits of the arms and ammunition companies, but their interests are secondary.

JAMES RIDGEWAY

*McCarthy*

# What Are the Primary Lessons?

*by Paul R. Wieck*

The political question, after California and its heartbreaking finale, is still the same: How, between now and Chicago, can the power brokers – from county sheriffs to labor bosses, from senators to precinct captains – be convinced that to renominate Hubert Humphrey is to make the oft-analyzed GOP "death wish" look like mere whimsy. With each passing primary, the Johnson-Humphrey forces have slipped further – from a peak of 49 percent in New Hampshire to 12 percent in California, where the "Lynch" slate failed to show significant strength among any group, despite full page ads toward the end of the campaign.

Even in South Dakota, home state of the Vice President, only 30 percent of the voters responded to a heavy ad campaign pitched to the theme that South Dakota voters had a chance to help put a native son in the White House by voting the "Chamberlain" slate.

To say that Humphrey ignored the primaries is not true. Cabinet members tripped over each other in Wisconsin. Labor leaders arranged for phone banks in such states as Oregon. There were newspaper ads. But the support kept slipping downward. In short, neither President Johnson nor his intended heir is regarded as indispensable by rank-and-file Democrats.

In 11 primaries, anti-Administration candidates drew 77 percent of the Democratic votes, of which Sen. McCarthy received 43 percent. Only in Florida did the Administration do better, and then its slate (that of Sen. George Smathers) got less than 50 percent.

Only on the question of the personalities of the two leading exponents of the "new politics" were the primaries somewhat inconclusive, since neither Sen. McCarthy nor Sen. Kennedy was in all 11.

Now it is again necessary to go to the people for some kind of a reading. The first hint of what this reading might be comes from Creative Research Assn. Inc., a firm that has conducted a continuing poll of 800 "sample" Democrats. In the first post-California poll, the sample was asked whom it wanted nominated. The results, as published in the *Chicago Sun-Times*, showed that among California supporters of the late Robert F. Kennedy, 51 percent favored Sen. McCarthy, 24 percent Vice President Humphrey, with 25 percent undecided. But the real shocker was the reaction of pre-primary supporters of Vice President Humphrey in



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California. After the tragic events in that state, 52 percent of Humphrey's original supporters said they preferred Sen. McCarthy, as against 34 percent for the Vice President. Nationwide, the sample (including supporters of all three in the pre-primary period) showed 38 percent for Sen. McCarthy, 29 percent for Vice President Humphrey, 8 percent for President Johnson and 25 percent undecided.

The post-primary period offers special problems for McCarthy. He speaks to a stunned nation, that is not sure it wants to hear from politicians, as contrasted with a skeptical nation six months ago. Yet, because of the hold the "pros" have on much of the party machinery, McCarthy cannot delay, especially in New York, where voters select 123 delegates this week.

Between now and Chicago, the fight will be conducted on two levels – in the established political arena (at state conventions, etc.) and at the grass roots, where an attempt will be made to organize for a final assault on the guardians of the "old style" at Chicago.

Much will depend upon the reaction of local Kennedy supporters across the country. What Kennedy men and women named as delegates to state conventions still to be convened do, is of the utmost importance. In many cases, they hold the balance of power. Colorado is typical. There, before the assassination, a coalition of Kennedy and McCarthy supporters, led by men from both camps who have worked together, was on the verge of sweeping the delegation. The trial run was in Denver, where a Kennedy-McCarthy coalition divided the district's delegates and overwhelmed the Humphrey slate. A similar result was expected in the suburban Denver and the Pueblo-Colorado Springs districts, both with heavy concentrations of Kennedy delegates from labor counties, with chances improving in the final district – the western slope and northeastern Colorado. At a state level, the Kennedy-McCarthy coalition appeared to have at least 1,000 of the 1,800 delegates.

A similar situation existed in the state of Washington. Other states (such as New Mexico) had yet to hold precinct caucuses. In these, the results again turn on the reaction of the Kennedy supporters. And the same is true of Kennedy delegates already elected.

The great strength of McCarthy's drive is the trust he established with his basic constituency – the students, then largely alienated from politics, the intellectuals, clergymen, housewives, primarily people from the growing ranks of the upper middle-class, white community. In the early days, the single issue that drew them was "the war," though many of them in that early period expressed concern that McCarthy's campaign was not reaching the ghetto poor. In the weeks that followed, McCarthy continued to show undiminished strength among that vital third of the electorate – the suburban and semi-suburban voter – who will play such a major part in deciding the outcome of this and every succeeding national election.

The pattern was set in New Hampshire. It reached a peak in Wisconsin, where McCarthy carried 71 of 72 counties. In Indiana, it is illustrated in Lake County, where McCarthy carried the boxes outside the Gary ghetto 36,000 to 24,000 (he lost the ghetto 33,000 to 3,000). California capped it. There, McCarthy carried over 40 of the 58 counties, including everything north of San Francisco and Sacramento, much of the coastal area, the Los Angeles suburbs (including Orange County) and San Diego. One profile had him leading 2-1 in the upper-income boxes. He drew thousands of GOP write-ins in state after state – and, again, lost heavily to Kennedy in the ghettos. (Johnson-Humphrey support had negligible response here too.)

No matter how heavy the Democratic percentages in the inner city in the fall, however, it will still be a GOP landslide if the suburban and semi-suburban areas, where the Administration appears to have minimal support, are lost by enormous majorities.

McCarthy also captured the activists. Everywhere precinct caucuses were held, he showed unusual strength – in the Twin Cities area of Minneapolis, in Seattle and numerous other (Yakima, Vancouver, etc.) towns in that state, in Colorado and Iowa, even in some places down South.

For instance, despite McCarthy's limited exposure in the South, his supporters took two-thirds of Orange County (Chapel Hill) in North Carolina plus enough additional precinct delegates in Raleigh and Durham to capture a delegate there. At the same time, his supporters took over 80 percent of the delegates in the only major area in North Dakota (Fargo) which held an open caucus.

In one Austin, Tex., precinct, the one in which ex-Gov. Allan Shivers and National Committeeman Frank Irwin vote, the turnout of McCarthy supporters was so large that establishment bosses had to postpone the meeting for 45 minutes while they rounded up enough extra votes to control it.

It is an error to say that McCarthy has found no response in the black community. His supporters, by the time the California primary was over, included such diverse figures as Louis Lomax, the TV commentator; Rufus Mayfield, who initiated PRIDE, Inc., in the District of Columbia; Ron Karenga of US, a militant group; Bill Briggs, the defensive end for the Washington Redskins; Herbert Reid, Howard University law professor and a delegate from the District of Columbia; Clarence Jones, New York attorney and former counsel for the Southern Christian Leadership Conference; and Addison Dody, educational director



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of the Malcolm X Educational Institute at Compton, Calif. If this kind of black response is to spread among the rank-and-file in the months ahead, it will have to be done by "the movement," as the thousands of student activists now call their pro-McCarthy efforts.

One of the encouraging pre-primary developments in California was the decision of McCarthy's campaign staff to keep "the movement" alive during the summer months with a well-planned effort to organize the grass roots support that already exists for McCarthy and expand it. "The movement" might well consider intensifying its efforts to communicate with the nation's poor, bringing their problems into clearer focus, and, perhaps the most vital of all, teaching them to use basic political tools.

That it can be done is illustrated by the experience of Dave Mixner, one of the ablest young organizers in the McCarthy campaign. He worked with a group of young black activists in Charlotte, N.C., showing them how to take over a precinct caucus. As a result, they took 17 precincts from the "red necks" in that county. It illustrates what can be done.

At Chicago, and earlier, the techniques of the "old style" politics must be explained to the average citizen in order to discredit them. The McCarthy strategists would do well to look into the possibility of exposing those facets of the delegate selection process in the various states in which the people have no role, whether through direct primaries, precinct caucuses, etc. For instance, several state delegations – Maryland, Arizona and Michigan, to name three – might be challenged because the delegates were named either by state or precinct committee people chosen in 1966, long before the issues of 1968 were clarified.

There are other things built into the delegate count. For instance, the Democratic National Committee members (pro-Humphrey) elected in 1964, again long before the issues of this season were brought into focus, gave themselves full votes (over 100 in all) at this year's convention (two per state or territory). Why shouldn't the *new* members of the committee, some of them elected in primaries, others by delegations selected in the primaries and including a number of McCarthy supporters who reflect the "new politics," be allowed to take office before Chicago and cast these votes?

One of the frequently voiced concerns of the Humphrey camp is whether the people in "the movement" that has gathered around McCarthy will support a ticket led by the Vice President. That they should ask tells us two things: one, that they are concerned with this show of strength where, only six months ago, they thought it didn't matter; and two, that, by asking, they are displaying once again the incredible ignorance of the "pragmatic" politicians of the new mood that is taking hold.

*South Vietnam Alliance*

# Preparing the Way For Coalition

*by Tran Van Dinh*

Although the advocacy of peace and neutralism is considered a "crime" by the Thieu-Ky regime, Buddhists and Catholics, students and intellectuals have persisted in working for an end to the war, a coalition government, and a neutral South Vietnam.

From the ruins of Hue (85 percent destroyed) and from Saigon, there has arisen an organization which is going to play an important role in this effort – the Alliance for National Democratic and Peace Forces; in short, the Alliance. The first clandestine radio reports on its existence were heard in Hue, 48 hours after the beginning of the Tet offensive. The Hue Committee is headed by Professor Le Van Hao, who taught ethnology at both the universities of Hue and Saigon. He comes from a wealthy family, was educated in France, and was active in the 1966 Buddhist Struggle Movement. The deputy chairman is Mrs. Tuong Vy, former principal of the famed Dong Khanh girls school. One of her daughters married a general in the South Vietnam army, another a millionaire pharmacist in Saigon who is also a close associate of President Nguyen Van Thieu. Another deputy chairman is Venerable Thich Don Hau, the prestigious Buddhist monk, superior of the Thien Mu temple, the oldest and the most beautiful in Hue. The Secretary General of the Hue Committee is Hoang Phu Ngoc Tunog, a student leader and a Buddhist militant. Similar committees with members of similar background were formed in other cities.

Alliance delegates from all over South Vietnam met near Saigon in late April of this year. A national committee was elected, whose membership reads like a Who's Who of the bourgeoisie and the intellectual elite of the South.

The national chairman is a well-known lawyer, Trinh Dinh Thao, whose large residence in the Cong Ly street, not far from the President's office in Saigon, bears a shining nameplate at the gate: *Maitre Trinh Dinh Thao, Docteur-en-Droit, Avocat á la Cour Supreme.* Educated in France, Trinh Dinh Thao has practiced law for 30 years in Saigon and was Minister of Justice in the Tran Trong Kim Cabinet in 1945, immediately after the Japanese disarmed the French in In-



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do-China. His son, also a lawyer, is married to one of the daughters of the richest jeweler in Saigon. The vice chairman is Lam Van Tet, a southern landowner, industrialist and a dignitary of the Cao Dai sect. Millionaire Lam Van Tet was chairman in 1964 of the All Religion Citizens Front. Another vice chairman is Venerable Thich Don Hau, who is also the vice chairman of the Hue committee. The Secretary General of the Alliance is Professor Ton That Duong Ky, who comes from a royal family and is known to his students at the universities of Hue and Saigon from his courses on Vietnam history. Toward the end of 1965, because of his activities in the Buddhist movement and his peace campaign, he was deported to North Vietnam, but he clandestinely returned.

The three assistant secretaries general of the Alliance are: Miss Le Quynh Hoa, a Paris-educated woman doctor from Saigon; Mr. Le Hieu Dang, the 1966-1967 secretary general of the Saigon Student Union; Mr. Thanh Nghi, a scholar, writer and author of a French-Vietnamese dictionary. Other members of the National Committee include Professor Nguyen Van Kiet of Saigon University and Tran Trieu Luat, a well-known student leader. The list is long, and not all the names can be revealed now. The point is, these are not the "faceless Viet Cong"; they are Vietnamese who have been invited to the US Embassy parties, who have talked with US correspondents, who have friends and relatives among the highest officials of the Saigon government, who represent a variety of religions and professions and regions. The Alliance, in fact, reflects rather accurately the Vietnamese urban population. Together with the NLF (largely rural), it can claim to represent the whole population.

The program of the Alliance is this: end the war, re-establish peace, independence and national sovereignty; build a neutral, prosperous South Vietnam; prepare for the peaceful re-unification of Vietnam through consultations and negotiations on the basis of equality between the two zones of the country. The Alliance has its own flag, its own national anthem. On February 23, Venerable Thich Don Hau, national vice chairman, appealed to all Buddhists at home and abroad to join the Alliance. He got a favorable response, especially from Vietnamese students and intellectuals in Europe. Hanoi and the NLF had already acknowledged the independent existence of the Alliance. High officials in Saigon sometime ago began making secret deals with the Alliance or the NLF.

In view of all this, something obviously had to be done by the Saigon government. President Thieu decided to get rid of Nguyen Van Loc, a close associate of General Ky, as Premier. To replace him, he called on Mr. Tran Van Huong, a respected 64-year-old politician (see my article in *The New Republic*, September 2, 1967) to form a new government. Mr. Huong accepted, because he considered "South Vietnam as a sampan about to capsize, and since I am on board and don't want to sink along with it, I have to help bail it out." After a week of wrangling and compromise, on May 25, Mr. Huong announced his 18-member Cabinet. Vice president Ky was missing in the official picture taken at the presentation ceremony of the new Cabinet to President Thieu.

This new Cabinet is a major setback for General Ky, whose faction had controlled seven out of 17 ministries in the previous Cabinet. Ky now has only one friend in the Cabinet, the Minister of Agriculture. The influence of the military is less in the new government, which includes several persons of integrity, dedication and independence. Among them are Dr. Ton That Thien, former editor of the *Viet Nam Guardian*, that had been shut down by Saigon police in October 1966; as Finance Minister, Dr. Au Ngoc Ho, former deputy to Au Truong Thanh, the peace candidate who was barred from the elections of 1967 (Dr. Au Ngoc Ho had been arrested after the Tet offensive), and as Minister of Information, a professor of the Van Honh Buddhist University. The first official act of the new Minister of Information was to lift press censorship. Saigon newspapers can again print stories on government corruption and discuss peace issues. The Minister of State, Dr. Phan Quang Dan, was quoted on May 21 as urging Saigon to "start negotiating with the Viet Cong's National Liberation Front right now and make its first objective an agreement on a ceasefire."

There is in the new Cabinet a fair representation of Southerners and Buddhists whose attitude towards coalition is more flexible than that of the Northern refugees. If the new Premier, Tran Van Huong, is allowed to eradicate corruption and to carry out reforms without interference from the military and from the Ky clique, he may be able to bring about a measure of confidence in his government.

The survival of the Tran Van Huong Cabinet in a large measure depends on the United States. No matter what the outcome of the Paris talks between Hanoi and Washington, the war in Vietnam, which started in the South, will end in the South with the reconciliation among all elements of Vietnamese society, except those few who are regarded by the Vietnamese people as "traitors and criminals." The way may have been opened for an accommodation with the Alliance, and that is the first step toward a coalition government with the NLF. Opportunities are thus present, perhaps for the last time, for the US to win an "honorable" settlement. "My government," Tran Van Huong has modestly said, "will strive to make the road a bit clearer for other governments to proceed in the future."



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# *Open Housing:* How to Get Around the Law

*by George W. Grayson Jr. and Cindy Long Wedel*

The National Association of Real Estate Boards (NAREB), lobbyist, spokesman, and propagandist for 84,000 realtors, has persistently championed housing apartheid. Until 1950 the Code of Ethics of this almost exclusively white organization warned against "introducing into a neighborhood . . . members of any race or nationality, or any individuals whose presence will clearly be detrimental to property values. . . ." Article 5 of the most recently amended Code reads: "The Realtor should not be instrumental in introducing into a neighborhood a character of property or use which will clearly be detrimental to property values in that neighborhood." *Freedom of Choice vs Coercion*, a NAREB pamphlet, called the open housing bill "an immoral doctrine because it seeks to reshape human society by involving the coercive power of the state."

At Senate hearings last fall, NAREB representatives blistered the proposed open housing legislation as an affront to the first, fifth, ninth, and 10th amendments, voiced concern lest it shunt attention from the "problems of the so-called ghettos," and claimed that "we [realtors] have been working harder" for blacks than for whites. They were certain the bill would die because of summer rioting, House intransigence, and Republican-Dixiecrat hostility.

But 1968 brought the Kerner Report, Dr. King's assassination, a Herculean effort by NAACP lobbyist Clarence Mitchell, an unusual display of cohesion among Senate liberals, and more Dirksenian opportunism (many realtors feel that Dirksen traded his support on open housing to the White House for a lackluster opponent in the upcoming Senate race). NAREB, caught napping, inspired a last-minute letter writing campaign. But on April 10 the open housing bill passed.

The statute forbids discrimination in the sale or rental of government housing and federally aided units (FHA, VA, etc.), and extends coverage to "all multi-unit housing and real estate developments" on January 1, 1969. One year later all other housing will come under the bill. Exemptions will be granted to religious organizations, to single-family owner-occupied houses sold without realtor assistance, and to "Mrs. Murphy" boarding houses (owner-occupied buildings of up to four family units where rooms or apartments are sold or rented). According to the *Congressional Quarterly* the law, which also applies to the financing of housing, will cover 80 percent of the housing market.

NAREB President Lynn E. Davis immediately called the law "a loosely drawn and unsound legislative attack on the human rights of private property owners." Means are being explored to circumvent it. The effort began on April 18 with a memorandum entitled: "Some questions (and their answers) suggested by a reading of Title VIII of Public Law No. 90-284, relating to forced housing." This circular, distributed to presidents of local real estate boards by NAREB, notes that attorneys are not covered by the law and could therefore engage in a limited number of housing transactions each year. Since few are lawyers and none wants to lose business to legal firms, this approach will enjoy little support among realtors. But it is a device which the private homeowner can use to discriminate.

NAREB suggests deceit as an alternative strategy. "Suppose," states the document, "a would-be Negro purchaser enters a brokerage office" and expresses interest in a $20,000 home in a particular neighborhood. Though the listings aren't publicized, the salesman is "well aware" that suitable properties are available. Yet he "informs the prospect that the office has no listings in that category." Has the law been violated?

Not according to NAREB's interpretation: "The law does not give any person the right to purchase or right to inspect dwellings whose identity is vague and uncertain. The essence of the offense is the discriminatory refusal to sell a *dwelling* which the purchaser wants to buy." Apparently, a minority group member will have to specify an address before he can expect fair treatment from some NAREB members. Such a requirement would contravene both the spirit and letter of Title VIII.

Other strategies are under consideration. One, the "Quickie Listing," was explained by Louis H. Nevins, associate legal counsel of NAREB. Units handled by agents are usually listed for a prescribed period – often 60 to 90 days – during which prospects are sought. In the future, a person wishing to sell his home, discriminate, and still use a realtor might place a sign on his front lawn, "For Sale by Owner – Broker inquiries invited." He could then covertly inform realtors of his racial preference. When appropriate would-be buyers

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had been lined up, the house could be formally listed – but only for a day or two. If a fast, discriminatory sale were not consummated, the seller, according to NAREB's interpretation, would escape coverage of the law in 24 or 48 hours. He could then await another round of "quickie" prospects.

Some realtors may even switch functions in an attempt to skirt the law. Instead of representing sellers and landlords as is now the case, they may become agents for buyers and renters about whom the law is vague. Then they could collect names of people who want to acquire housing, and invite sellers and landlords to inspect these listings. The actual transaction could occur between private parties – and on a discriminatory basis. But the realtor would receive a commission from the buyer or renter for his effort.

The enforcement provisions will make it easier for realtors to delay compliance in many states. Senator Mondale's original legislation provided for swift federal administrative remedies in response to alleged violations. However, Senator Dirksen insisted that the burden of litigation fall on individuals, and Senator Peter Dominick's price for going along was a local enforcement option. Thus, although section 810 provides that an aggrieved party may file a complaint with the Secretary of Housing and Urban Development, the Secretary shall do nothing if a local open housing ordinance, comparable to the federal one, has been passed and "if the appropriate State or local law enforcement official has, within thirty days . . . commenced proceedings in the matter, or, having done so, carries forward such proceedings with reasonable promptness." Many realtors are now pumping for local statutes. And if "reasonable promptness" is interpreted as the "with all deliberate speed" stricture of the 1955 school integration ruling, we can expect little reasonableness or promptness by local authorities. Fortunately, the law stipulates that the Attorney General may take action where he finds "a pattern or practice of resistance to the full enjoyment of any of the rights granted. . . ." If localities drag their feet, then suits could be brought virtually everywhere.

COMING: *The future of France in revolt — An Essay by Stanley Hoffmann*

Urban Renewal has been sardonically labeled "Negro Removal"; most VA-financed housing has been on a strictly segregated basis; the Federal Housing Administration authorized and enforced racially restrictive covenants until 1949; and resale of one and two family homes have been arbitrarily exempted from FHA nondiscriminatory requirements. The 1968 law attempts to redress government-fostered segregation, to turn the clock back to 1866 when Congress provided that all Americans "shall have the same right in every state and territory as is enjoyed by white citizens . . . to inherit, purchase, lease, sell, hold and convey real and personal property."

The recently enacted bill is no panacea. It must be complemented by public and private assault on ghetto problems, and the federal government should become the housing provider of last resort, guaranteeing decent, integrated housing to all Americans. In the meantime, Washington must take additional steps to counter short-term obstructionism. The Defense Department can further prohibit its personnel from living in segregated off-base housing. Cities and counties receiving federal funds for mass transit, water conservation, and air pollution should be required to design comprehensive plans for eradicating segregated housing in their areas, an action long urged by the National Committee against Discrimination in Housing and justified by the Inter-State Commerce Clause and Title VI of the 1964 Civil Rights Act. Legislation is needed to extend open housing coverage to all persons living in the United States, not just to citizens, and to all dwellings, including owner-occupied, single family units. Focusing the present law on realtors is like having a fair employment statute limited to employment agencies.

Ultimate success will depend upon changing realtors' attitudes. Not all are yahoos. Some have accepted open housing on ethical grounds; others see in the law increased demand for their product and higher income. Still, many are imprisoned by decades of realty practices. For example, one of their major reference works, *McMichael's Appraising Manual*, promotes the fiction that "values almost always decline when a white district is colonized by Negroes," that when "one Negro move(s) into a white district . . . a chain of events that will halt the sales of nearby properties is set in motion." NAREB displays a 3 x 4 facsimile of constitutional amendments in the hallway of its plush Washington offices. The reproduction carries, however, only amendments one through 12. It's time the organization recognize the 13th, 14th, and 15th amendments which promise freedom, equality before law, and equal citizenship.



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# Which Way Will Canada Go?

*by William Boyd*

*Quebec*

As spring reluctantly turns to summer in eastern Canada, the weather here is about a month or so behind that of Ottawa, the federal capital. In political attitudes, the federal government feels Quebec is even further behind. The Quebec government, on the other hand, feels that it is Ottawa that is backward, trapped in the past by a 19th-century conception of federalism so outdated that it threatens to wreck the country. This is really what the campaign for the June 25 federal election in Canada is all about: Ottawa's brand of federalism versus the growing nationalist (if not separatist) tendencies of Quebec, with its overwhelming French-speaking majority in a population approaching six million of Canada's 20 million.

Sprinkled through the constitutional declarations from both sides have been references to foreign affairs, including China and NATO and the question of US investment in the Canadian economy. Thus, to the outsider as well as to the Canadian, the election should be more interesting than those which pitted Lester Pearson against John Diefenbaker with boring regularity. Pearson and Diefenbaker have now stepped aside (Diefenbaker was actually shoved), as they should have when they reached their seventies. This time it is Prime Minister Pierre Elliott Trudeau of the governing Liberals versus Robert Stanfield, leader of the Progressive Conservatives, Canada's largest opposition party.

Trudeau is young (48), wealthy, well-traveled and an "intellectual." He is attractive, and, as his opponents keep reminding the voters, once was a member of Canada's small socialist party. He rose rapidly to power through the fact that he is a French-Canadian, articulate in English and French, who is vehemently opposed to giving Quebec special status in Canada. This, he argues, would so weaken Canadian federalism that the country would eventually break up. Trudeau distrusts nationalism in virtually any form. His proposal: make Canada truly bilingual from coast-to-coast through the use of French at most levels of government and in the educational system; allow French-Canadians, whether they speak English or not, to feel at home anywhere in the country; rid Canada of its image of being an English-speaking-only country. (Certainly, one Quebec newspaper suggested after Trudeau's election as Liberal leader, French-Canadians can feel at home across Canada. All they must do is follow Trudeau's example: brush up their English at Harvard and the London School of Economics and their French at the Sorbonne.)

Stanfield, a rather dour, patrician soul, has been compelled, somewhat against his will, to oppose Trudeau's theory of "One Canada." The Conservatives have been pathetically weak at the federal level in Quebec for years and in an effort to try to increase their popularity, they are openly courting Premier Daniel Johnson of Quebec and his Union Nationale party, nodding sympathetically when Johnson cries Quebec must have more rights if it is to live up to its responsibility as the homeland of French-Canadians. Although Quebeckers may elect Johnson, who despite his name, is French-speaking, on a mildly nationalistic platform, it is unlikely that they will vote Conservative federally. How, they ask, can we vote against a Quebecker like Trudeau and for a man like Stanfield who, after a six-week "total immersion" course in French, is known as a "Berlitz drop-out."

Thus, the Liberals will probably hold their 57 of the 74 Quebec seats, hold also their strong support in Ontario's urban centers such as Toronto, Hamilton and Ottawa, plus pick up seats in the three prairie provinces, whose Conservatives are disenchanted with Stanfield's wooing of Quebec.

Trudeau is an impressive man, by almost any standard, and Canadians, after years of crotchety old Diefenbaker, and "good ol' Mike Pearson," want something completely new. Trudeau doesn't kiss babies, girls and women kiss him. He is, as the French say, *dans le vent*, with it. He has been accused of being rigid in his attitude towards Quebec and thus risks driving it out of confederation; but Canada has needed forthrightness for some time. He may sound reactionary in Quebec, but if French-Canadians are to have the same rights outside Quebec as English-Canadians do in Quebec, there must be a vast change in governments and opinion. These changes would mean allowing public school instruction in the French language, where there were suitable numbers of French-Canadians; provision for French-Canadians to deal with al-

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most all levels of government in French; facilities for French-Canadians to plead in French before all courts of the land; and, of prime importance, complete recognition by the federal civil service of the French language to attract bright French-Canadians to work for the federal government – in either language. Still, to pockets of Orange sentiment across Canada, and to others less prejudiced although unwilling to try to understand Quebec, this is infinitely better than the feeling that one provincial government (Quebec) is getting what it wants in terms of power from the federal government, possibly at the risk of Balkanizing Canada. These people will vote for Trudeau.

The position of Daniel Johnson, which has been accepted by the Conservatives, would give Quebec special powers, powers that would make it almost a state within a state. Although General de Gaulle's *vive le Quebec libre* cry from Montreal's city hall balcony during his Expo '67 visit last year may have stirred up nationalist feelings, the Union Nationale stand is far from new. Quebec needs these powers, argues Johnson, to withstand the threat to the "French fact" both from Canada and the United States. Otherwise, there are two alternatives: assimilation into English-speaking North America or outright separatism. Briefly, what Johnson wants is Quebec to have its own immigration policy, responsibility over broadcasting (now a federal preserve), distinct representation abroad at international meetings dealing with education and culture, which are provincial government fields. It also wants all tax monies from Quebec and would take over all aspects of social security.

What touched off fireworks between Trudeau and Johnson as the election campaign opened was Quebec's attendance, over Ottawa's objections, at educational conferences, first Libreville, Gabon, and then in Paris. Quebec received the invitations directly and its representative was treated as a head of state.

Canada knows that it is vital for Quebec to have close cultural contacts with French-speaking countries, Trudeau says; but there is just one address for mail relating to international affairs: The Federal Government, Ottawa.

In Ottawa there is barely concealed delight that de Gaulle has been experiencing a rough time; and even in Quebec, where separatist Rene Levesque referred to de Gaulle as "an overbearing old man," there have been few tears. De Gaulle, in the view of Quebec's nationalists, may have contributed a lot of propaganda to their cause, but they are not sold on France. (The public has seldom warmed to French immigrants in Quebec, something which will have to be amended if Quebec is going to get the French-speaking immigrants Johnson says it needs.)

Should Trudeau get the majority government he is after, he will likely open some kind of negotiations with Johnson through a newly-created constitutional committee to press home Ottawa's stand. If they reach some kind of compromise, and the standard of living in Quebec continues to rise, separatism could suffer a lethal blow. Many Quebeckers are already fed up with costly Quebec nationalism, let alone separatism, in a province whose per capita debt has increased to $773 from $216 in the last seven years. The size and frequencies of Quebec borrowing have glutted the North American bonds markets.

Trudeau has said he would like to have diplomatic relations with China if they could be mutually worthwhile; but so have many politicians here and in the US. He would also like a review of Canada's place in NATO. Canada at present has 6,000 soldiers and about 5,500 airmen stationed in West Germany. The prime minister has not spelled out just what he does want, but he has said that Europe no longer needs them.

There could be trouble with the US on one issue. Trudeau would like to rid Canada of the nuclear-equipped BOMARCS which are based here under the US-Canada NORAD agreement. He points out that Canada has consistently opposed proliferation of nuclear arms in the world and yet allows another government to station them in Canada. If the prime minister persists along this line he might find Washington more willing to hear him if he promises more Canadian involvement in non-nuclear defense of North America, something he has suggested could happen if Canada removed its troops from Europe.

A more touchy issue in Canada at present than military affairs is the question of US infiltration of the Canadian economy. In this respect Trudeau shows his real colors: a light blue, rather than red. Last year the Pearson government ordered a committee of economists to study the extent and effect of the heavy US investment, particularly with respect to US laws affecting the freedom of Canadian subsidiaries here. "The intrusion of American law and policy by the medium of the Canadian subsidiary erodes Canadian sovereignty and diminishes Canadian independence," said the committee's report. It recommended strong countervailing measures, including legislation placing subsidiaries under Canadian law. It called for incentives to persuade these firms to sell shares to Canadians and a government trade corporation to handle business with countries under US boycott. Trudeau apparently regards the report as a reflection of the nationalism he distrusts in Quebec and which he also disliked in his traveling days through Africa, the Middle East and China. The prime minister has promised an imaginative reappraisal of the report, but the betting is it will be some time coming.



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# Indifferent India

*by Bernard D. Nossiter*

The other day, a 24-year-old Indian salesman was struck by a truck on the busy highway south of New Delhi. For six hours, he slowly bled to death in the blazing sun while hundreds streamed by in cars, on bicycles and on foot. Nobody gave him water, nobody came near him, nobody reported his plight to the police post less than half a mile away. After the salesman died, a reporter asked some curious onlookers why none had called for help. The answer was: "We don't want to be involved with the authorities."

Six hundred miles east of New Delhi is Bihar, a state rich in untapped underground water but poor in its people. Bihar became famous through its suffering in two successive years of pitiless drought. The rains came this year and the crop is adequate. I went to Bihar after the famine to see what changes the disaster had wrought. In the villages between Patna and Gaya, one of the hardest hit districts, earthen bunds or embankments had been built everywhere to trap the precious rain water. But in nearly every village, these works were falling apart, riddled with holes, crumbling. They had been built during the famine by villagers paid with relief money. Now that the emergency was over, the relief funds had stopped and nobody was looking after the bunds. "Why can't you maintain these embankments with your own voluntary labor," I asked. Again the answers were simple. "We are too divided here to work together," or "Why should I labor to help someone else."

These two unremarkable incidents illustrate a disturbing and little discussed trait that runs all through Indian life. There is here an overwhelming indifference of man toward man, an astonishing absence of any social sense that extends beyond the family. It is not accurate to say that India is a jungle in which every man's hand is raised against his fellow. Conscious and deliberate cruelty occurs only sometimes. Caste villagers have maimed or tortured erring untouchables. The army burns suspect tribal villages in the troubled northeast and reported killing 200 rebelling Naga tribesmen May 27. But this is not the common mode. The prevailing condition here is unconcern, a lack of imaginative feeling for others.

It is displayed in dozens of daily events. I have driven cars through the difficult traffic of Paris, Rome, Tel Aviv, Teheran, Karachi and Colombo. But nothing matches the destructive anarchy of Delhi or Bombay. Trucks, buses, autos, motor scooters, bicycles and pedestrians relentlessly pursue their own path, heedless of other people. They wander across lanes, cut out into the center of streets, make left turns from the right and run through stop lights with a joyless, solipsistic abandon. This is not, as sometimes suggested, a phallic impulse of a suppressed people liberated in a powerful machine. The same blind indifference marks the driver of a big lorry and the rider of a spindly bicycle.

The tone is set by authority. India's independent government was encouraged by its former British masters to erect impressive new buildings for its administration. Bulky and awkward stone and plaster piles have sprung up in the heart of the capital. But their intended effect is diminished by the army of middle- and lower-level officials who work inside. They casually flip cigarette stubs, tea-time crumbs and chewed pan leaves onto the floors of their new offices. Hallways are speckled with the red betel juice spat out by passersby. Pools of urine stain some corners. Courtyards and walks are littered with trash, tossed aside by inmates and public alike. I recall a conversation with one high official that was interrupted by his sudden need to expectorate – from the nearest open window to the ground below.

A newly arrived villager who squats by the city roadside to defecate or urinate is simply following the conventions of his community. But within Indian cities themselves, there is little effort to instruct people in the sanitary requirements of large agglomerations. Indeed, it is dubious if the effort would work without a far-reaching change in the attitudes of one Indian toward another. Meanwhile, much of the population, particularly in hot weather, suffers from dysentery and all the other debilitating diseases carried by flies swarming over the compost and garbage heaps.

"Ah, but that's Asia," the old hands say. It is not, of course, as China and Japan demonstrated long ago. Closer to home, neither Ceylon nor Pakistan suffers from anything like the same lack of social sensibility. Its absence in India affects such routine matters as mailing a letter with 10 cents worth of stamps. Unless the sender sees the postage canceled with his own

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eyes, he cannot be sure that a clerk will not sponge off the stamps for himself. Any bulky letter or package stands a good chance of being rifled unless a registration certificate, documentary evidence of its transmission, is purchased.

There is something absurd in the pop cult image of India now at large in the West. Nehru, Gandhi, Ravi Shankar, the Maharishi Mahesh have created a vague picture of a gentle India, removed from worldly concerns with a meaningful if imprecise spiritual message for affluent materialists. What Gunnar Myrdal calls the "diplomatic literature" of American officials and academics has left this image as unsullied as the rose in Nehru's coat. The plain fact is that social undiscipline is a taboo subject. Polite and committed Westerners are not supposed to discuss it; a few Indians do, but evasion and euphemism are the preferred style. This is unfortunate, for the lack of social sense, of fellow feeling, plays a significant part in India's failure to modernize its economy.

Some Indian writers like Nirad C. Chaudhuri have attempted to explore the sources of Indian insensitivity. Their findings are tentative but they suggest that the roots are buried deep in the nation's cultural history. For perhaps 4,000 years, the region has been inhabited by conqueror and conquered, exploiter and exploited. The former have maintained order in part by creating a multi-layered social structure with racist undertones.

The caste system itself appears to have begun with the Aryans who poured across the Gangetic plains from the northwest. The invaders kept subject the earlier inhabitants of the Indus Valley by imposing the strict divisions of caste. The structure appears to have brutalized both those on top and bottom. The caste system reserves functions for different groups and enforces its hold by an elaborate network of marriage, eating and other taboos that strip dignity from men. As Chaudhuri has observed, those at the bottom tend either to fawn on those at the top or labor under them in sullen and mute resentment.

Most important, perhaps, is caste's creation of a class of unpersons, those of no caste, the untouchables. Today, nearly every Indian village contains its separate and miserable cluster of hovels for those outside the caste order. Thus most Indians grow up alongside a human group seen as defiled, as objects. In an attempt to soften this relationship, Gandhi coined a new term for untouchables, Harijans or "Children of God." However, the word itself reflects the patronizing of a caste figure. The Indian constitution, of course, has outlawed untouchability. But its writ in this sensitive sector does not run as far as the traffic policeman's. The institution remains unshaken in most villages and its dehumanizing consequences spread throughout Indian life.

In a curious way, Hindu religion reinforces this structure. Perhaps unique among the world's sacred books, the Vedas do not urge the equality of man and man. The more humanistic ethics of Buddha may have tempered this spirit at one time, but eventually, Buddhism was absorbed in India and found a more comfortable home elsewhere in the East.

The lines between conqueror and conquered were redrawn by successive invaders. Moguls were followed by the British, and all left behind a legacy of superior and inferior. Independence was supposed to shatter all this. It has not. The newly liberated civil service, for example, hungered for all the race-proud outer trappings of the Raj. Today, outside any government office, clusters of "peons" wait to open doors for their masters and lowly chaprassis scramble after cold drinks and tea. Indian writers have frequently noted the extraordinary rudeness with which many officials treat citizens, a caricature of the British manner. Less commonly observed is the discrimination in favor of Europeans. Petty clerks will frequently serve "whites" out of turn, even against their will, and despite a long line of waiting Indians who got there first.

The sophisticated official at the top is usually beyond this crude racism, or almost so. But if his parents advertised for a bride when he first entered government service, the chances are that they specified what caste should apply and suggested their preference for a "fair skinned" mate. It is uncertain how far removed the most worldly Indian is from racial feelings. Not long ago, an important official with an international reputation was talking privately of the rebellious and literate tribes in northeast India. He spoke contemptuously of the "savages" and suggested that negotiating with them would diminish the dignity of India to "some Bongo-Wongo."

Apart from class, caste and color, there are other forces that make Indians insensitive to their fellows. One of the most powerful may be the institution of the joint family. The obligations to relatives are intense and pervasive. In the villages, uncles, cousins, sisters and brothers generally live under a single roof. This may strengthen family feeling but it may also breed hostility or indifference to any larger group. This inward turning afflicts those most in need of mutual support, the untouchables. In a Harijan settlement in Bihar, I was reluctantly told of an old widow who had starved to death despite the distribution of free food in a caste village two miles away. Too weak to go for the grain ration herself, she asked a neighbor boy for help. The Harijans were evasive about what had happened, but apparently the boy had used the



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ration for his own family. There was some shame in the community about telling this to an outsider. But no one seriously blamed the youth.

These observations are not recorded out of malice or wish to shock. I believe that there is an intimate relationship between India's disappointing economic performance and the life style of the Indian people. The diplomatic literature conventionally attributes India's static expansion to a wrong mix of economic policies – neglect of agriculture, infatuation with heavy industry, too much or too little regulation of enterprise and the like. But I suspect that economics is too narrow a discipline to explain what has happened. A climate of extreme egoism is ill-suited for economic development.

India's able economists draw up elaborate development plans; they go largely unheeded. Indeed, the planners have taken a holiday for the past two years and their absence has been barely noted. Inevitably, Indian administration is casual and capricious. A forest of regulations to govern industrial growth has sprung up. Its chief fruit are the licenses that determine the life and death of a firm. Predictably, licenses are granted or denied in the same undisciplined fashion in which Indian people behave. Favoritism and bribery, not the plan's requirements, decide who gets what. In agriculture, success for a farmer today depends on his ability to obtain credit, fertilizer, high-yielding seeds and assured water. All are in short supply. Again, the allocation of these crucial inputs has much more to do with a strong farmer's influence over the local credit cooperative and the Block Development Officer than any paper plan.

The Indian government and its American AID patron have quietly worked out a new strategy that implicitly recognizes and tries to exploit the lack of social cohesion here. Under the euphemistic label of "Intensive Agriculture," a deliberate effort is being made to channel the scarce resources to the biggest farms. Only lip service is now paid to the great unfinished tasks of land reform, insuring the security of the great mass of tenant farmers on the land they till and distributing land to the landless. It is conceivable that the strategy will work – this year's bumper harvest is cited as evidence – in the sense that substantial gains in total output will finally be registered. But the widening gap between the spoilsmen – kulaks at the top and the scores of millions at the bottom is unlikely to foster social cohesion.

The remarkably successful agricultural revolutions in Japan and Formosa were based on a different principle, great increases in yields by small farmers with an intense self-interest in cultivating their own plots. To ignore this lesson and consciously encourage a favored minority could in time light the fuse that will explode this fragmented society.

The diplomatic literature is developing a new line of argument to counter this fear. It contends that the divisive forces themselves work against disorder. In this view, caste is a social cement, insuring stability: every man in his place and the places are fixed. But this appears to be based on a false historical analogy with feudalism. Stability in the medieval world – and there is increasing evidence that it was far less stable than the conventional historical view – rested on a two-way flow. Manor lords and villeins had duties toward each other as well as rights. No such relationship exists here. The aggressive Jat farmer of Haryana has only the most shadowy of obligations toward the tenants or landless laborers who work his land.

Perhaps nowhere is the lack of social cohesion better demonstrated than in the selfish agricultural marketing system now in vogue. In the midst of the record harvest, famine is reported in several districts of Assam and Orissa. The rich yields of the Punjab and western Uttar Pradesh are unlikely to reach these people; each state or group of states husbands its own supply.

It is a commonplace that modern industrial society requires a measure of cooperation and loyalty. The absence of these qualities has more than an incidental effect on the neglect of machinery and the shoddy output in many Indian plants. The planners have set ambitious goals for manufactured exports, goals that must be reached if India is to earn her way in the world. But businessmen, responsive only to narrow conceptions of interest, adulterate everything from milk to toothbrushes to automobiles; their workers, imbued with the same antisocial sense, are not likely to improve the dismal product of their masters. India's prospects of selling more abroad are hampered as much by this undisciplined performance as by any tariff barriers in the outside world. But again, a powerful and privileged few will survive and survive handsomely. They know how to weave in and out of the web of controls to protect themselves from foreign and domestic competitors. The great complex of high-rise luxury apartments springing up around Bombay's Malabar Hill and financed by tax-evading business money is testimony to the ability of a few to live comfortably amidst social anarchy.

In discussions of India's needs and problems, the diplomatic literature has centered on such questions as an adequately motivated program of birth control, the prospects of the Congress Party, the private financing of fertilizer plants and the requisite quantum of foreign aid to achieve something called "takeoff." I submit that equally relevant and much more resistant to change are the indifference, callousness and selfishness that have become imbedded in Indian society.



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Stanley Kauffmann

# Monumental Lives

A new biography of Beatrice Webb and the second volume of Bertrand Russell's autobiography * are published on the same day – a coincidence that underscores some similarities and differences between the two figures. Similarities: both of them came from upper social strata (she was rich, he was rich and aristocratic); both were concerned all their lives with poverty, injustice, and human suffering; both cared little for money, gave much away, lived modestly; both began as relatively puritanical characters. Differences: Mrs. Webb remained puritanical ("Marriage is the wastebasket of the emotions"), but Russell was changed by the First War ("I became for the first time deeply convinced that Puritanism does not make for human happiness"). She could not subscribe to pacifism during that war, he was a complete pacifist and went to prison for his propaganda. She grew increasingly enthusiastic about Soviet communism, he disliked it from his first view of it in 1920. Her line of achievement (as distinct from activity) runs generally up, his runs generally down. By further coincidence, the last items in this new Russell volume, except for one brief entry, are letters exchanged between them a year before she died in 1943.

The Webb biography, by Kitty Muggeridge and Ruth Adam, is a happy surprise. The introduction by Mrs. Muggeridge (Malcolm's wife and Mrs. Webb's niece) promises one of those light, chatty, "my famous aunt" books at which the English, particularly, are so tediously proficient. With the help of Mrs. Adam, the book becomes a distinguished piece of work, a model of one kind of biographical writing: as complete a book as any but a scholar would want, thoroughly understanding of the characters and the issues, yet, in the pleasantest way, deceptively easy to read, with no vulgarization or haste. (A few minor slips: *e.g.*, the title of Morris' *The Dream of John Ball* is incorrectly given; Annie Besant was the model for a character in Shaw's *You Never Can Tell*, not *Arms and the Man.*) The Muggeridge-Adam book easily surpasses the previous biography by Margaret Cole – which, incidentally, has the same jacket photograph of Mrs. Webb, taken by Shaw.

Beatrice Potter Webb's father was a Crimean War profiteer and a railway magnate whom she adored. She was one of nine sisters and was not the favorite child, though she was the prettiest. After an absorption in literature and some activity in high society, she became interested in low society – in the poor and in socialism. She was not a recluse, but she was always more comfortable, one may say, with people's problems than with people. Russell thought her "undemocratic and arrogant." Clement Attlee – of all judges – said that she "did not appreciate the extent to which a movement such as that of the British Labour Party is influenced by sentiment." She was capable, in her thirties, of going to the Passion Play at Oberammergau and writing in her diary:

> "A great original conception. The revolt of the workers . . . against the aristocratic class. . . . Ends by a socialist sacrificing his life to the whole community."

Yet she was a woman of some humor and with the usual deep feelings of the outwardly reserved. If she did not marry Sidney Webb for love, she was utterly devoted to him all her life. (She declined the man she did love, Joseph Chamberlain, on matters of belief and principle – and thus avoided becoming Neville Chamberlain's stepmother!) And her care for her friends and colleagues, her generosity, were extraordinary. The Webbs, in their careers, capped a century of growing British concern with social cruelties. They "defined" poverty and made great sociological maps in their books. They were chiefly responsible for the founding of the London School of Economics and the *New Statesman.* Beatrice Webb, says the Muggeridge-Adam book, "lived to see most of her ideas [for the Welfare State] accepted, in the Beveridge Report of 1942, but died before they were implemented in post-war Britain." Russell wrote of the Webbs:

> "Their mantle descended upon Mrs. Webb's nephew Sir Stafford Cripps, and but for them I doubt whether the British democracy would have endured with the same patience the arduous years through which we have been passing."

In the early 1930's the Webbs wrote their large, lamentable panegyric of the Soviet Union – after a three-week visit – and with further naïveté sent their galley proofs to the Soviet Embassy in London for corrections and suggestions. Sidney even made another trip to the USSR with the final manuscript to have it checked. Still, before she died, Beatrice attributed their Soviet infatuation to senility.

Russell's second volume, which runs from 1914 to 1944, follows the form of the first: each chapter of narrative is immediately followed by relevant letters. (A curious snobbism: a few letters in German are followed by translations, a few letters in French are not translated.) In this volume, the "written" chapters are even sketchier than in the first, and the letters are therefore more essential. Also, it is made clear here, as it was not in the first volume, that much of the narrative was written years ago, some of it as early as 1931.

But, if the text is somewhat more patchy, the inward journey that is depicted is no less agonized. Futility is the dominant theme. For example, through the First War Russell worked rationally and unceasingly to spread pacifism, in accents very reminiscent of some Vietnam protests today.

In the early twenties he spent a year

(Continued on page 33)

* *Beatrice Webb* A Life, 1858-1943 By Kitty Muggeridge and Ruth Adam (Knopf; $6.95)
*The Autobiography of Bertrand Russell* 1914-1944 (Atlantic-Little, Brown; $8.95).



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# Books and the Arts

## Holding Firm to the Truth

*by Michael Novak*

Violence, Ignazio Silone instructed us, is the chief problem of our century. Some years ago Americans, who regarded themselves as peaceable and decent folk, received such messages from afar. In 1968 the scales have fallen from our eyes; we see ourselves more truly.

Change must come in the social, political and economic *structure* of the United States. Yet many of us recognize: (a) that the needed changes will be mightily resisted, and (b) that many of the devices for producing change in the United States modify only appearances and not the location of power and the direction of interests. The American way of electing Presidents, for example, seems designed to toss up candidates cut as nearly as possible to a tweedle-dum and a tweedle-dee, tipping gently from dead center. Television, radio, and the press implicitly define a mainstream of reasonable discourse, beyond which dissent is "far out." The managers of cities, businesses, foundations and universities – often they are the same men – seem to concentrate upon functional adjustments ("alleviating tensions creatively") rather than upon structural or substantive issues ("rearranging the power base").

*Gandhi*
by Geoffrey Ashe
(Stein & Day; $8.95)
*Non-Violence and Aggression*
by H. J. N. Horsburgh
(Oxford; $5.60)

Consequently, the wave of confidence in non-violent methods which crested over the nation under the leadership of Martin Luther King in the past decade, beginning in civil rights and continuing in the resistance to the war in Vietnam, has rather suddenly been spent. Robert Kennedy's terrible end marked its exhaustion. The power of repression – and the will to repress – promise, moreover, to be even stronger in the future than they have already shown themselves.

What, then, shall we do? The changes must come – and come more radically (many of us judge) than liberal meliorism will permit. The word "evolution" is too mild for what is required. One simply must say "revolution," and yet that word too lazily mixes conflicting cultural traditions, and has overtones of barricades, guerrillas, and citizen armies that do not represent American probabilities at all. An assessment of what we have learned in these past ten years is in order, and it is bound to include a reevaluation of the techniques of non-violence.

To this end, the new workmanlike biography of Gandhi by Geoffrey Ashe will be of notable assistance. There are two special strengths to the book. Ashe has a marked sensitivity to Gandhi's religious spirit; he does not try to make of Gandhi a more or less conventional western humanist. It is an intellectual relief to find a religious vision treated discerningly rather than reductively. On the other hand, Ashe seems aware that there is no purely religious emotion, conviction, or decision. He is alert to the secular experiences and ordinary contingencies which figured so hugely in Gandhi's most intimate and important religious discoveries. Thus Ashe demythologizes both English humanism and eastern religion, and draws a portrait at once common-sensical and profound. There is a kind of genius in such modest work, though achieved in prose merely clear and serviceable rather than distinguished.

Everyone on earth, Chester Bowles remarks in the preface, has been affected by Gandhi; not least of all we in the United States. It has been almost ten years since I read Louis Fischer's biography of Gandhi, and I found myself in Ashe's book visiting the secret sources of the lives of a number of my students – devotees, many of them, of eastern writing, active in the Resistance, and already much experienced at 20 or 22 in campaigns of non-violence. So this is where they have been drawing their nourishment. And no wonder they prefer it to much else that they observe around them in the university!

Not a few students today, otherwise healthily relativistic, are willing to speak of "the truth," in the sense of reaching a judgment of their own about the reality of a concrete situation or the implications of an action. They are willing to hold firmly to that judgment, in the face of physical abuse, social ostracism, and the drabness of confinement in jail. For them, *satyagraha* ("holding firm to the truth") is not a foreign notion; it is the way they live, as much a part of their experience as Bermuda shorts, motorbikes, and long-playing records. It is exactly the way their healthily relativistic and pragmatic professors do *not* live. It is not reached by "free speech," or "rational discourse," or "reasoned inquiry"; a man can be bright, well-informed, articulate and even open-minded without possessing *satyagraha*. *Satyagraha* requires concern for a continued series of moral conversions; it requires a sensitivity and a courage not usually included among the requirements for a B.A. Yet without it a man is not, in Gandhi's view, a civilized man, only a part in a technical machine. And he is blind in significant ways to the injustices that that machine is doing to others.

Gandhi only gradually discerned the requirements of *satyagraha*. He read the *Bhagavad Gita* with western, as well as with eastern, eyes in such a way that, for him, "the *Gita* admits that the world generally grows worse, but injects the idea of having a revolution from time to time, under divine auspices, to restore what has been lost.



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The revolutionary then has God on his side."

Ashe distinguishes the following essential notes in Gandhi's conception of unarmed action. (1) A precise understanding of a *concrete wrong*, achieved through a mind converted from hate, passion, and prejudice, and desirous of community. (2) A point of no return; a "Here I stand"; thus an encounter with the Absolute. (3) Power not your own, but God's, from such an encounter. (4) Public acts of non-cooperation with the wrong. (5) Strength in oneself to accept reprisals without rancor and with unfeigned joy and courtesy. (6) Consent to suffering, not in order to suffer but so that the repressor must confront his acts of repression and make a moral choice. (7) Awareness that the aim is not one's own victory over another, but the victory of justice over both, and hence willingness to compromise and to allow the other to save face. (8) A sharpness of focus, a narrow front, non-conformity to a specific and concrete law; never total anarchy. (9) Complete openness, no secrecy, no conspiracy. (10) A clearheaded estimate of the enemy's sense of justice and truth, and of his sensitivity to public opinion and to his own rationalizations.

The imprint of the Oxford University Press adequately prepares us for the soberness and the logic of H. J. N. Horsburgh's "Study of Gandhi's Moral Equivalent of War." The argument is lucid. Chapters on the bases of *satyagraha* and the practice of *satyagraha*, as well as on the ineffectiveness of armed force in human affairs, and on the purposes of defense, set the stage for a systematic consideration of the advantages and the difficulties of *satyagraha* in present world politics. Given the self-destructive logic of nuclear deterrence, present prospects, the author admits in his final 14 pages, are bleak.

But before he arrives at this geopolitical level, Horsburgh makes some telling points. It is quite certain that we need devices for producing change at many levels short of the nuclear confrontation of the world powers. Moreover, people's lives are thrown closer together by increased population and technical progress. Hence, such devices must result in reconciliation, not humiliation. The employment of armed force – despite the contrary strong prejudice – is both ineffective and morally erosive; it destroys community and poisons memories for generations. The history of non-violence, though relatively brief, suggests unparalleled effectiveness.

Again, one of the main purposes of defense is to protect a way of life. But reliance upon armed force establishes priorities destructive of the democratic way of life, of justice, of truth. Reliance upon armed force destroys a way of life in order to defend it.

Moreover, a major key to understanding *satyagraha* is to abandon the utilitarian conception of the relation of means to ends. *Satyagraha* concentrates upon the means, in the belief that these particular means (ever further moral self-conversion) *are* the ends of a civilized way of life. To live by these means is to have attained the end. To live by other means is usually to betray the end, under cover of rationalization. The proper Gandhian criterion, then, is not utilitarian. Yet Horsburgh constructs a utilitarian argument in order "to use our addiction to ends as a means of lessening the force of that addiction."

The argument is one human beings are inclined to resist. Training for *satyagraha* is long and arduous. To suppose that a whole nation can become a republic of learning, in which *satyagraha* or some parallel is the chief exercise, is to be a Gandhi – or a Jefferson. Such revolutionary visions do not live long. The *Gita* seems right: "The world generally grows worse."

Meanwhile, if we begin to use our empirical prejudices to distinguish situations in which *satyagraha* has worked from those in which it has not, we might learn a great deal about the moral appeals structured into even the worst social orders. For these are the Achilles' heels at which non-violent resistance takes aim, and the forces of injustice in highly developed – and heavily armored – societies seem to present, otherwise, very few chinks.


**A DIGEST OF AN EDITORIAL:**

**The Washington Post**

AN INDEPENDENT NEWSPAPER — FRIDAY, APRIL 26, 1968

***Dangerous System***

The publication of Neal R. Peirce's *The People's President* may be an event in our political history. It is essentially a plea for abolition of the electoral college and direct election of the President by popular vote. It comes at a time when the issue is actively before Congress and when the public mood appears to be favorable.

Mr. Peirce is the political editor of *Congressional Quarterly*. Though he has kept his volume for the most part in low key, it is a thorough and scholarly study of our highly complex system of electing the President . . . A careful reader is likely to put the volume down with a feeling of wonder that our system of government has survived with so little impairment under so crude a method of choosing its Chief Executive . . .

It may send to the White House a candidate who has lost in the popular vote because a strange counting device gives him an "electoral vote" majority. It may throw the election of the President into the House of Representatives where the absurd one-state-one-vote rule makes a mockery of democratic principle. It enables manipulating politicians in some states to defeat the will of their voters by keeping the presidential electors unpledged and then casting their votes for someone who is not even a candidate.

All these and other critical defects in the system are fully outlined by Mr. Peirce . . . The book ought to be must reading for members of Congress, the press and great numbers of citizens who are concerned about this critical weakness in our system.

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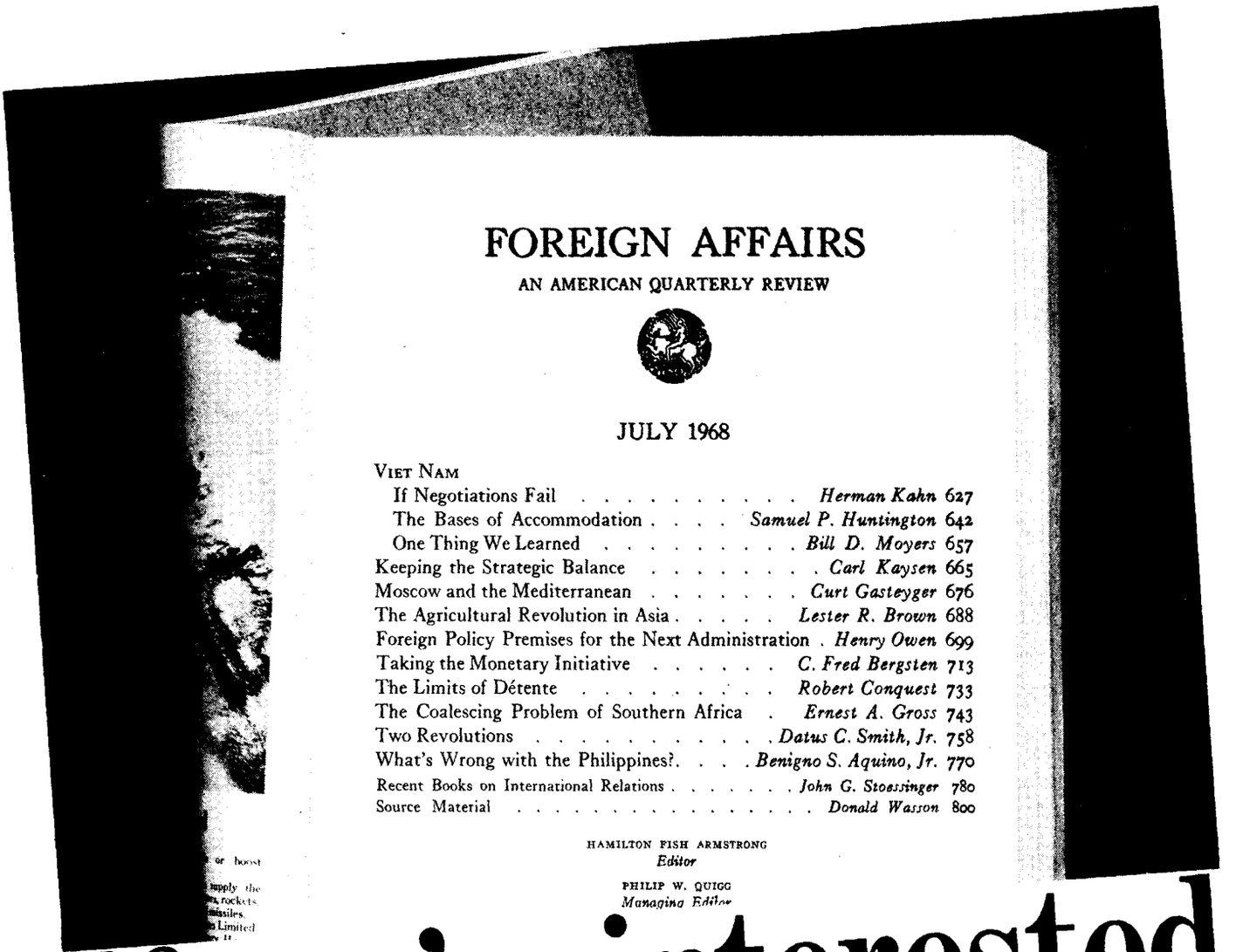

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# *Exploring the Academy*

*by Martin Duberman*

Christopher Jencks and David Riesman were not meant to rule, but to arbitrate, to serve as mediators – within the universities, between the generations – and they have written a book which exactly fulfills that thankless role.

Mediation has its pitfalls. In trying to understand all positions, there can lurk the refusal to establish one's own;

*The Academic Revolution*
by Christopher Jencks and
David Riesman
(Doubleday; $10)

in attempting to allow all voices their say, one can lose the power of distinctive speech. Jencks and Riesman do not entirely avoid these pitfalls, but one of the many achievements of *The Academic Revolution* is that its authors insist on evaluating as well as describing the myriad patterns, attitudes, interest groups and controversies which comprise the current academic scene. They even venture general theories about the development of American universities and, more ambitious still, the social context in which that development took place.

Given their range of inquiry – from cultural stratification in America to the future of private Negro colleges – some weak spots in research and some contradictory conclusions are inescapable. But throughout the book, the authors admit their limitations and uncertainties; when they give an impressionistic judgment, they so label it, when they lack data for a firm conclusion, they openly confess it. Their candor is the more engaging for coming from men whose credentials and thoroughness (the book has been in preparation for 10 years) would have warranted the kind of positivistic, pseudo-scientific claims so often indulged in by their less subtle, less talented colleagues.

I can only begin to acknowledge the many points at which the book has corrected or sharpened my own opinions. It contains, for example, the best brief discussion of class in the United States that I have ever read – just one instance of the authors' success in writing a book about education which, because of their insistence on a large framework of reference, becomes a book about America's social arrangements and value structure. They make a startling and convincing case for viewing the development of colleges in 19th-century America not as another symptom of the country's fluidity – the usual interpretation – but rather as a reaction *against* the rapid change everywhere apparent.

In regard to the contemporary academic scene, Jencks and Riesman challenge conventional wisdom at many points. Though colleges believe that the more money they spend, the better job they do (and thus justify their endless appeals to alumni and legislatures), that claim, the authors assert, may be illusory. Does a university that hires an academic superstar at say, $40,000 a year, get a hundred percent greater return on its money (especially in effective teaching) than if it had hired a less well-known specialist at half the price? Or, even more suspect, does the construction of one more $10 million classroom complex serve any true educational purpose – which is not to be confused with serving the ego needs of alumni? But then, as Jencks and Riesman remark, we should no longer pretend that the prime function of our universities *is* to educate. They are, and it is time we faced it, institutes for certification. They sort and label the young for the convenience and, usually, the deception (for, as the authors also demonstrate, there is no correlation between performance in college and on the job) of future employers.

If our universities were interested in education, which is to say in helping the young to grow in self-awareness, it would follow that they would be deeply interested in teaching. They are not. Nothing demonstrates this more clearly than the kind of training Ph.D. candidates get. Almost every doctoral candidate will some day be teaching as well as researching and writing in the field of his special choice. But graduate training concentrates almost exclusively on preparing a man for scholarship. (And that, at least in the humanities and social sciences, is done by settling for still more course work on the undergraduate pattern – for no one really knows, and few will even acknowledge the problem of what it means to "train" a man to be, say, a historian. Among other difficulties, historians are themselves deeply divided about what a good historian does: describe actions or probe motives? concentrate on similarities in the behavior of groups of men or on the idiosyncratic performance of individuals? treat the data as a novelist might, with subjective dash, or as a machine might, with neutral dispassion?) We know almost nothing about what does or does not work in a classroom – especially with this generation – and, to put it bluntly, most faculty don't give a damn anyway. Teaching is how a scholar makes a living. It is not an integral part of how he justifies his life or gets his kicks.

I would like to have seen Jencks and Riesman devote more space to teaching and learning, since their incidental comments show that they themselves feel strongly about this scandal of avoidance. There are a number of good reasons why they have not. They

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have much to cover in their broadly conceived volume, and besides, we lack data on what does or could go on in the college classroom. But I think, too, that the authors tend to slight the classroom because, unlike a growing portion of the student body, they do basically believe in the university as an institution and in rationality as a way of life. Their stance in *The Academic Revolution* is, to be sure, critical of many aspects of academia, but in the way Woodrow Wilson was critical of capitalism: let's do away with the excesses so that an enterprise, good in itself, might once more flourish.

Today's student radicals are far more disenchanted than Jencks and Riesman. Their disgust with traditional procedures is grounded in a growing distrust of rationality itself, of the importance of gathering and transmitting factual information and technical expertise. They are angry because they know that their growth depends on more than the accumulation of information. The kind of growth they value – increased openness to a range of experience, emotional honesty, personal interaction – seems actually threatened and compromised by additional proficiency in the manipulation of ideas and things. In a brilliant article in *The Nation*, Michael Crozier, professor of sociology at the University of Paris, has recently put his finger on the source of current student unrest in this country: it is a rebellion against the new hyper-rationalist world, where the capacity for abstract reasoning is considered the gauge of human worth and the precondition for human happiness. Or, as Berger, one of the hippie heroes of "Hair" succinctly puts it to his teachers: "Screw your logic and reason." The rationalist tradition, as the student rebels see it, has produced a race of deformed human beings, or rather, a race of thinking machines: heads (the old-fashioned kind) without bodies or feelings. The new generation does not wish men to become mindless; they wish them to become something more than minds. Unlike Robespierre, who enthroned reason, these revolutionaries search for a way to topple it.

Jencks and Riesman are far more open to and appreciative of the needs and values of this generation than most adults. They explicitly state that it is a mistake to try to teach only "traditional academic subjects by traditional academic methods," and they call for a wide variety of curriculum experiments, a search for new ways of teaching and learning through the incorporation of materials from the teen-age culture of folk-rock and films. They would further supplement (not, sensibly, replace) academic disciplines by deliberately adding to the faculty men who have done field work or who have had clinical experience in a wide variety of fields that currently interest the young. They are firm opponents of the rigidities that now characterize departments and disciplines within the university, and especially of the traditional emphasis in the graduate schools "on training men to write papers rather than to communicate with students on a face-to-face basis." They are angry with current practices which encourage the student to "repress himself and become a passive instrument 'used' by his methods and his disciplinary colleagues." They wish to make a place for, and to give weight to, knowledge that is derived from "individual subjective experience," so that the student might be put in closer touch with himself and so that the various aspects of his person might find integrated focus. They are less concerned with what a student can verbalize or repeat on an exam than with what, as a person, he becomes.

Yet at other points in their discussion Jencks and Riesman sound strangely smug about the human product the colleges are currently turning out, and to that extent, ambivalent or hostile to the demands being made by student malcontents. Thus they are "reasonably clear that today's B.A.'s know more in absolute terms than their predecessors in any earlier era." But isn't the point, as they themselves ask elsewhere: more knowledge about what and for what? They are also prone to congratulating faculties for not only being "better" but "often more interested" than previously. Here, too, they seem to be contradicting their own earlier strictures on faculty absorption in research and on faculty indifference to all but strictly academic communication with students. Finally, they insist, "there are very few colleges where an enterprising student cannot get an education if he tries, and none of us can think of where this is more difficult today than in the past." But an education in what besides technique, and for what purpose other than certification? – both of which Jencks and Riesman deplore.

When they turn "from the narrow question of academic competence to

## R. F. K.
(1925-1968)

Here in my study, in its listlessness
of Vacancy, some old Victorian house,
air-tight and sheeted for old summers,
far from the hornet yatter of the bond - - -
is loneliness, a thin smoke thread of vital
air. What can I catch from you now?
Doom was woven in your nerves, your shirt,
woven in the great clan; they too were loyal,
you too were more than loyal to them . . . to death.
For them, like a prince, you daily left your tower
to walk through dirt in your best cloth. Here now,
alone, in my Plutarchan bubble, I miss
you, you out of Plutarch, made by hand - - -
forever approaching our maturity.

ROBERT LOWELL



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the broader question of human growth," the authors conclude, again in contradiction to much of their earlier argument, that "the academic revolution . . . strikes us as a progressive development." Indeed, they "see relatively little ground for nostalgia, and considerable reason for satisfaction with the consequences to date of academic power." Well, they promised in their introduction that their "prejudices are many [and] . . . often contradictory . . .," and that they would be ambivalent on certain issues. In regard to the basic question of whether the colleges as currently structured can really be considered educative institutions, that promise of ambivalence is fulfilled.

But I don't wish to end on an ironic or negative note. Because my own interests are increasingly focused on the teaching/learning process, I may have harped unfairly on the one issue which *The Academic Revolution* handles least well. On dozens of other topics, Jencks and Riesman are more exhaustive in their treatment, more certain of their own position, more satisfying in their conclusions. This is, in sum, a rich, brilliant volume, essential background for understanding the current worldwide crisis of the university.

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# *Back to the Attack*

*by Alexander M. Bickel*

Mark Lane has written Son of Rush to Judgment, and it had better be noticed lest he issue a third work denouncing the conspiracy of silence that was aimed at his second. For this second book is itself a tale of conspiracies Mr. Lane has known, of his difficulties in finding a publisher for *Rush to Judgment*, and the troubles he has seen ever since. It is a trivial and tedious

*A Citizen's Dissent*
by Mark Lane
(Holt, Rinehart & Winston; $6.95)

volume, ingenuously detailing Lane's ceaseless assaults on the mass media in search of personal publicity, and rehearsing the minutia with which he overwhelmed this or that opponent in debate on a college campus, or filled the night air on some late, late radio show.

Lane is a master of the nitpick, the greatest living purveyor of isolated, inconsequential facts, an unprogrammed computer spitting out perforated index cards in all directions. Facts, of course, little inert facts lying about, are innocent as such; until somebody arranges them in accordance with one or another hypothesis they are quite innocent of meaning and significance. In disarray, they amount to nothing. They are non-truth, and they can easily be untruth. The telling of this sort of non- and untruth is Mr. Lane's art form.

Other people's facts Lane has a way of distorting or omitting. I permit myself to dwell on an illustration that touches me, simply because I know about it. Lane has made a film on the John F. Kennedy assassination, with the same title as his first book, and it had its initial public showing in January 1967 over the BBC in London, on a program on which Lane appeared. Rather separately from Lane, I was on that program also. Together with Lord Devlin, a retired British judge, I was retained to comment on the film and on rebuttals of its proposition offered by two former Warren Commission lawyers, Arlen Specter and David W. Belin. Lane spends some twelve pages entering his objections to this program. Lord Devlin, he complains, "had served as the almost official salesman for the Warren Report in England. . . ." As for me, "on a smaller scale," he says, I "had tried to serve the Establishment in [my] own country in much the same way." What sort of impartial commentators were we, then? Well, I had written a rather extended critique in *Commentary* in October 1966 entitled, "The Failure of the Warren Report," and just before going over to England I had published in these pages an article calling for a fresh investigation of the Kennedy assassination. Lord Devlin had also expressed in print misgivings about the Warren Report.

But that, if the reader will bear with me, is not the worst of Lane's misrepresentations concerning the BBC's establishmentarian conspiracy against him. It had been agreed that after the film and after the arguments of the Commission lawyers, Lord Devlin and I would have the last word. This annoyed Lane, who wanted time for himself. To show how biased the BBC was against him, he writes that it became plain shortly before the program was due to end that I had a surprise in store, and was going to say that the Commission's single-bullet theory did not satisfy me, and that the Warren Report had not, in my judgment, sufficiently excluded the possibility, however remote, of a second assassin. (I had said as much in print before. But let that pass.) Specter, the Commission lawyer, says Lane, "was livid. The fixed jury was no longer under control." Hence Specter demanded an opportunity to reply. He was allowed to do so. The biased BBC breached in Specter's favor the agreement about who was to have the last word. Yet it made no similar concession to Lane. A telling point, but an unvarnished falsehood. His film spoke for Lane. Specter spoke for the Commission, and was given a few minutes more, be-



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cause the considerations on which I based my judgment had been little remarked earlier. After Specter's final statement, however, I concluded, quite at my leisure, and quite in accordance with the prior agreement. This Lane fails to mention.

One last, unpleasant point. Lane is not above the dirtiest kind of innuendo. His film, he writes, did not fare well at the BBC, "about as well there as it would have had it been premiered in America on the one television station in Austin, Texas, and for much the same reasons, I fear." Again, he says: "For reasons perhaps best understood, but never satisfactorily explained by President Johnson, however, the photographs and x-rays of President Kennedy's body taken at the autopsy remained unavailable." (The photographs and x-rays were placed under the control of the Kennedy family initially, and are now at the Archives.) Finally, in an underground newspaper, the *Los Angeles Free Press* of April 19, 1968, right among the advertisements of male nudes, "sexercises" and oral love, Lane published an article entitled, "Is Bobby Silent Because the CIA Killed His Brother?" Lane purports to worry about a sickness abroad in the land, and about "our chance for redemption." He is among our causes for worry.

# *Wittgenstein-A Man and a Half*

*by William H. Gass*

Professor Gregory Vlastos had completed his paper on Reinhold Niebuhr. The paper was excellent but the discussion had swallowed itself as such things sometimes do (one was only inclined to cough), and even the effort to be brilliant at someone's expense seemed no longer worth the trouble, when the funny, shabby man began speaking. At least he seemed shabby,

*Letters from Ludwig Wittgenstein with a Memoir*
by Paul Engelmann
Translated by L. Furtmuller
(Horizon; $5)

though I remember giving him small notice at first. Old, unsteady, queerly dressed, out of date, uncomfortable in space, he struck me as some atheistical, vegetarian nut who'd somehow found his way to this meeting of the Cornell Philosophy Club and would, at any moment, heatedly, endlessly, support and denounce with wild irrelevance whatever simple, single thought was burning him up. But he'd been silent and I'd forgotten about him. Now he spoke, clearly yet haltingly, with intolerable slowness, with a kind of deep stammer involving not mere sounds or words but yards of discourse, long swatches of inference; and since these sentence lengths, though delivered forcefully, indeed with an intensity which was as extraordinary as it was quiet, were always cut short suddenly – in midphrase, maddeningly incomplete – and then begun again, what you heard was something like a great pianist at practice: not a piece of music, but the very acts which went into making that performance.

Thus in this sudden, silly way began what was to be the most important intellectual experience of my life, yet it was an experience almost without content, for it was very plainly not just what the old man said that was so moving, it was almost entirely the way in which he said it, the total naked absorption of the mind in its problem, the tried-out words suspended for inspection, the unceasingly pitiless evaluation they were given, the temporarily triumphant going forward, the doubt, despair, the cruel recognition of failure, the glorious giving of solutions by something from somewhere, the insistent re-beginning, as though no one, not even the speaker, had ever been there. Without cant, without jargon, and in terms of examples, this abstract mind went concretely forward; and is it any wonder that he felt impatient with twaddle and any em-


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phasis on showy finish, with glibness, with quickness, with polish and shine, with all propositions whose hems were carefully the right length, with all those philosophies which lean on one another, like one in a stupor leans against a bar? No wonder he was so jealous of his thoughts, no wonder he so entirely hated those who seized on his results without the necessary labors, as one might who'd sacrificed himself for summits only to await there the handclasps of those who had alight from helicopters he'd designed; for he felt philosophy to be an activity, this very activity he was entering on before us, exactly as Valéry had felt concerning the creation of poetry, where every word allowed to remain in a line represented a series of acts of the poet, of proposals and withdrawals which, in agony, at last, issued in this one, and how no one word was final, how the work was never over, never done, but only, in grief, abandoned as it sometimes had to be, and so, in the manner of the poet, each line of thought was a fresh line, each old problem no older than the sonnet, invented today, to be conquered again for the first time, never mind if you've written a thousand; and a murmur ran round the seminar table, heads turned toward Malcolm, his student, who'd brought him, but I don't know for how many this movement was, as it was for me, a murmur, a movement, of recognition.

Wittgenstein spoke very briefly, then. He produced an example to untie the discussion. A few weeks later he met with us, the graduate students there in philosophy, for two two-hour sessions. Monologues, they were really, on the problems of knowledge and certainty. I thought, at the time, I'd undergone a conversion, but what I'd received, I realize now, was a philosophy shown, not a philosophy argued. Wittgenstein had uttered what he felt could be uttered (and it was very important), but what he had displayed could only be felt and seen – a method, and the moral and aesthetic passion of a mind in love. How pale seems Sartre's *engagement* against the deep and fiery colors of that purely saintly involvement. It now seems inevitable that the *Tractatus* should have stressed, so much, the difference between what can be *said* (and anything that can be said can be said clearly), and what can only be *shown*, and it is completely proper that Engelmann should stress this himself in his memoir.

However, the letters which comprise this volume, and the recollections which follow them (by an architect and friend during the time of the *Tractatus*), are almost entirely empty of interest. "I have received X, for which I thank you; I wish you would send me Y at once; my train will arrive at Z at T, and I feel ill and morally awful." You have now read the letters. Engelmann's little history gives us no more of the man than they do, and if we want to sense this unusual philosophical presence, we must still go to Malcolm's lovely and delicate account. Engelmann's preoccupied with himself. He is full of wind-up, but has little pitch, and his discussions of the *Tractatus*, though he mentions some unarguably important things, are incomplete, vague, and misleading. A statement like this: ". . . an understanding of this philosopher will encourage the true believer to be undismayed in the face of the advancement of enlightenment and science, however successful they may be in their proper field; because their range stops short where that which alone matters to him begins . . ." will demonstrate, to anyone who knows Wittgenstein's work at all, how much Engelmann's emotional inclinations have got the better of him. His claim is that Wittgenstein's work has been generally misunderstood (which is easy enough to understand by itself, and that, as in Kant, the emphasis should fall upon the restrictions he places on reason, upon what can be meaningfully said, and that this leaves metaphysics open to be enjoyed, provided it remains mute (indeed the only way metaphysics *can* be enjoyed sometimes, the silence is wonderful when it occurs). Yet even if we make the distinction between saying and showing as simply as Engelmann does, we are, it seems to me, constrained to see that, in Wittgenstein, the world we cannot speak of can be very precisely *expressed*. Whereof we cannot speak, the philosopher has famously remarked, we must remain silent; but does it follow from this that we must not show what can only be shown by speech of Wittgenstein's kind? Or that showing is now something beyond the reach of reason, as Engelmann seems to imply? As every poet knows, the relation is rigorous. Nevertheless, Engelmann is right to call attention to the moral and aesthetic side of the *Tractatus*, for these things have not received the attention they deserve. The following strange line appears in this beautiful poem: ethics and aesthetics are one. I think Engelmann glosses it correctly, for I feel I saw it *shown* in those three evenings with the genius, and he quotes Karl Kraus appropriately:

> "I cannot get myself to accept that a whole sentence can ever come from half a man."

Both poet and logician have an equal interest here. Showing has several dimensions. Wittgenstein's propositions are complete, and therefore baffling to the wrong minds because they record the struggles of one who as a day-to-day human was only a half, no more, but who, as a philosopher, was considerably greater – perhaps a man and a half.

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## NOTES ON CONTRIBUTORS

Martin Duberman *is the author of* In White America. William H. Gass' *latest book is* In the Heart of the Heart of the Country. Leon Friedman *is a prominent New York attorney.* Howar Kaye *is a graduate student of English at Columbia.* Robert Lowell *is a distinguished poet.* Michael Novak's *latest book,* A Time to Build, *was published by Macmillan.*



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# *Obscenity in the Courts*

*by Leon Friedman*

How many times have we read that obscenity laws endanger the free flow of ideas, threaten the democratic process, inhibit creativity, violate the First Amendment, and cannot be justified as required weapons against antisocial conduct. Yet the laws remain and hundreds of prosecutions are initiated each year in the federal courts and thousands in the states,

*The End of Obscenity*
by Charles Rembar
(Random House; $8.95)

while writers, lawyers and movie distributors renew the debate against censorship in any form.

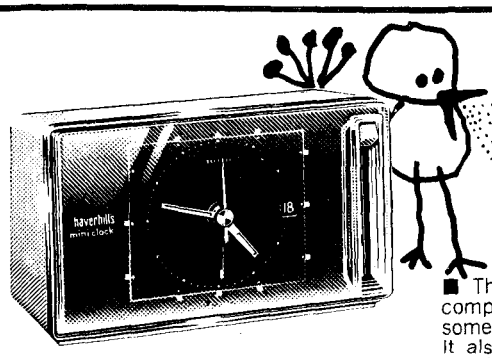
It is true that considerable change in the law has taken place in the ten years since the Supreme Court's decision in *Roth* v. *United States*. Charles Rembar, one of the leading members of the obscenity bar, has documented this liberalization in which he played a prominent part. His book deals not with the *why* of obscenity laws but with the *how*, and as a result often has a freshness that little recent writing on the subject can match. He describes in detail three significant legal battles which led to the exoneration by the courts of *Lady Chatterley's Lover*, *Tropic of Cancer*, and *Fanny Hill*, recounting the background of each case, the courtroom testimony, and the many appeals through the judicial system. As Rembar shows, even the failure of the federal government to prosecute can lead to a distinct hardship to a publisher. He may have to fight many separate state court actions and a victory in one jurisdiction is no guarantee of a victory anywhere else.

The book also demonstrates how an offhand, deprecating remark by Justice Brennan in the *Roth* case became the guiding principle of obscenity jurisprudence. In *Roth*, Brennan declared that obscenity was not protected by the Constitution: ". . . implicit in the history of the First Amendment is the rejection of obscenity as utterly without redeeming social importance." Seizing upon this phrase, Rembar and other practitioners pressed a new legal attack. They claimed that if a book had any importance or worth whatsoever, it could not be proscribed. Only that material "utterly" without value fell within the forbidden zone.

Acceptance of this proposition was painfully slow. Beginning with *Lady Chatterly*, cleared by a New York federal court in 1959, other banned classics were published, prosecuted, and then defended on the basis of their "redeeming" value. Massachusetts, New York, Pennsylvania and many other states attacked *Tropic of Cancer*, and *Fanny Hill* was prosecuted in three separate jurisdictions. Experts had to be called to testify in each of these trials, and Rembar quotes extensively from court records to show the exchanges between the literary and legal mind. In one hilarious episode relating to the definition of "priapic," John Hollander proved that a prosecutor armed with Webster's New International Dictionary is no match for a Yale poet. In another, Malcolm Cowley and a prosecutor dueled over whether Lady Chatterley was "shameless" or not. When John Bullitt of Harvard was about to quote a remark of Henry Fielding in *Tom Jones*, the judge cut him off, evidently thinking Bullitt was going to repeat a remark made by Fielding *to* Tom Jones, which of course would be hearsay.

Prosecution experts included the headmaster of a Catholic preparatory school who couldn't remember whom Fanny Hill married at the end of the book although he read it the night before, and a New Jersey pediatrician who testified:

> "I keep myself in good contact by reading, of course, all the book-review sections. I grant you that does not give me the right to discuss a book. I have read *The Carpetbaggers*. I have read *The Chapman Report*. I have read about a million of the paperbacks which we can't consider decent literature. . . .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A. Just know a general idea about it. . . ."

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Another witness, a doctor, would have banned *Fanny Hill* because "if this book were read by a sailor in a destroyer and there were no woman around I think he would masturbate."

Rembar reproduces his own briefs and his colloquy with the judges who heard the cases on appeal, material which shows a fine lawyer operating skillfully in a good cause. The story of his oral argument before the Supreme Court in the *Fanny Hill* case is especially dramatic and enlightening, and many of his anecdotal digressions into history and law are sharp and amusing. Rembar, however, displays an uncomfortable lack of modesty in describing the victory of what he calls "my theory" or "our argument." The idea of social value saving an erotic book was bruited about in many law journals after *Roth*. Other lawyers were winning cases by urging it on the courts, and two of the Supreme Court decisions advancing the principle (*Manual Enterprises* v. *Day*, and *Jacobellis* v. *Ohio*) did not involve Rembar. Personalizing this change in the law may make it easier to present to a lay public, but it oversimplifies a rather complex development.

Legal detail plays a large – and not always consistent – role in *The End of Obscenity*. Rembar engages in endless explanations of small points of law, defining "an order to show cause," "hearsay," "information," and "certiorari" as if he were writing for a junior-college audience. Yet the intricate discussions of the cases carried through all appellate levels could be of continuous interest only to lawyers and specialists. Further editing might have sharpened these sections.

More important, Rembar's concluding optimism is questionable. In the *Fanny Hill* case, the Supreme Court established the three-fold test he had pressed: a book cannot be banned unless it has the requisite prurient appeal, it is patently offensive, *and* it is utterly without redeeming social value. Rembar considers this a notable triumph, particularly for writers: "So far as writers are concerned, there is no longer a law of obscenity."

No doubt much greater leeway for literary expression exists today than in 1957. Once the barriers came down, publishers did flood the market with new erotic material, most of it garbage. And as Susan Sontag has suggested, perhaps a new pornographic aesthetic will emerge from this mass. Even so it is difficult to be as optimistic as Rembar. Lower courts have a singular ability to interpret any Supreme Court rule in this area according to their own view of the material at issue. They now solemnly intone the threefold test and continue to set down books (or movies) that offend them. The Supreme Court, unwilling to take a stab at a new rule, has been summarily reversing such cases without explanation. But the harassment by local prosecutors and the expense of appealing to the Supreme Court (as well as the problem of tasteless advertising a la Ginzburg) are still genuine dangers to publishers and distributors and this must affect authors also.

In addition the Supreme Court has recently upheld variable obscenity laws, forbidding sales of certain material to minors even if it passes muster for adults. How many new problems this will create for booksellers is impossible to predict. A new wave of explicit movies from Scandinavia has brought a sharp response from Customs. In May, a New York federal jury held "I Am Curious" (a Danish film imported by Grove Press) to be obscene because scenes of sexual intercourse were included.

Concern about obscenity has its source deep in the collective unconscious. Poll after poll shows a majority of the population favoring tougher laws on the subject. The establishment of a more liberal verbal formula is an advance of some importance and reflects a change in society's feelings about erotic material. But the unconscious taboos have such great vitality, that the new legal rule can hardly hope to end the matter. Pornographers, after all, have little political support. Local authorities will continue to be affected by the public's uneasiness and fear of what erotic material is likely to release, ostensibly in others but more probably in themselves. While there may be an end to obscenity as a matter of legal interest, obscenity cases, despite the contributions Rembar himself has made to diminishing them, will surely continue.



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# Correspondence

## ADA Looking Ahead

*Sirs:*

Words apparently failed those of us who drafted the recent ADA resolution calling for a redistribution of wealth in this country to alter the present economic balance of power. The press complimented us for knowing the liberal gospel: more jobs, more money, fewer handouts. We were made to sound as though we were for all the right playthings – full employment, minimum wages in line with the cost of living, guaranteed annual wages and guaranteed incomes, preferably through the negative income tax (don't overlook family allowances) and we were, God knows. But in a way, all those "right things" were beside the point. We were calling for the ADA to put away its childish things, to look the poor full in the face.

It is crucial that our intent to cut through traditional liberal rhetoric be understood. (Economist and ADA Chairman J. K. Galbraith is said to have referred to the resolution as the worst drafted proposal he ever approved. Granted: none of the authors is a practicing economist – it was written and revised countless times in less than 24 hours by urbanologists Daniel P. Moynihan and Herbert J. Gans, *Transaction* editor Prof. Lee Rainwater, New Careerist Ralph Fertig, Ralph Caprio of the Citizens' Crusade Against Poverty, and me, as chairman of the drafting subcommittee.)

Now, we were *not* talking about providing an "opportunity" for the poor to advance individually in this society. We were talking about giving the bottom money now, that money to be scraped off the top. We were *not* talking about giving the poor more from an ever-expanding economy, thereby leaving the poor as a class still on the bottom; organized labor has been doing just that for years. We were talking about giving the poor as a class a much greater share of the present economic pie, so that they can have a say in forming our nation's policies.

We were *not* distinguishing "earnings" from "wages," "wages" from "handouts." We saw all of these terms under an "income transfer" heading. We wanted to get away from organized labor's recognition of "guaranteed annual wage" and "minimum wage" terms and its blindness toward "guaranteed annual income" and "minimum subsistence levels"; conversely, we hoped mothers of dependent children, the old, the disabled – yes, even the "bums" – would begin to recognize that they had interests in common with working people and should stand shoulder to shoulder with them. Moreover, we hoped to get across that the Puritan ethic belongs in the 17th and 18th centuries, not in this day of automation and technocracy.

We were *not* saying that women's personal lives and sexual habits should be tied to economic incentives or deterrents (for years, a poor woman was expected to open her limbs to a man if she were to survive; now she is expected to close them). We were saying – by significant omission – that the population explosion and family planning were best discussed in some context other than economics and income transfers.

We were *not* saying that the liberal establishment and the federal government had been right in their approaches since the New Deal and that we need more of the same. We were saying that the public assistance – welfare – provisions of the Social Security Act were inadequate at best and positively destructive at worst, and that, regardless of other economic approaches, direct income transfers must replace present welfare plans and that any attempt to reform or improve the present welfare system, "because it is there," is doomed to fail.

We were *not* saying that the federal government should provide full employment as an employer of last resort. We were saying that it should do so only if it were an employer of socially useful jobs. Obviously any Administration in a wartime economy would not be fulfilling the desires of a group such as ours, even if every man, woman, and child were out working (or getting killed).

The aims of the members of the subcommittee who drafted that "far-reaching" ADA resolution would be achieved if only the liberal establishment would recognize that "earnings," "salaries," "wages," and supplementary public financing for *anyone* outside the *full-time* labor force who requires help all come under one heading – "income," and that everyone is entitled, as a matter of right, to sufficient income to provide at least the basic necessities of modern life (including education of children, television sets, telephones, etc., as well as food, clothing and shelter).

*Gabe Kaimowitz*
*Columbia University*

## Kauffmann, *from page 22*

teaching in China. Then he returned to England, married a second time, and with his wife started a school. To help sustain this project, he wrote a number of scientific and philosophic popularizations. In 1938 he came to the US with his third wife and his family – at the age of 49 he had his first child – and stayed here until May 1944. In 1940 he had his famous encounter with New York prejudice in which he was denied a chair to which he had been appointed at City College on the ground of moral unfitness. He recounts the affair with some detachment but without dispassion.

> "This was not a suit against me, but against the Municipality of New York. . . . Although the Municipality was nominally the defendant, it was as anxious to lose the suit as the good lady [who started the suit] was to win it."

Russell has had joy from wives and mistresses, from his children, from his mountainous work, from the beauties of the world. He can view his life with wit.

> "As I wished to be divorced while in China, it was necessary to spend the nights in official adultery. The detectives were so stupid that this had to be done again and again."

Yet this is not the chronicle of a joyous or hopeful man. In 1915, during a war he opposed, he wrote: "I don't live for human *happiness*, but for some



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kind of struggling emergence of mind." In 1941, during a war he felt obliged to support, he wrote to Gilbert Murray:

> "I don't see much hope in the near future. There must first be a World-State, then an Augustan age, then slow undramatic decay. For a while, the yellow races may put vigor into the Hellenic-Roman tradition; ultimately, something new may come from the negroes."

Still, he has continued to write and struggle, as his efforts even after 90 attest, whether one agrees with them or not. At 96 he now seems to be silent, but only a few years ago I read his Help Wanted ad for a private secretary who was not afraid of work.

Quaintness and grand-old-codgerdom aside, there is something monumental about Russell, something he shares with Mrs. Webb. (Another similarity.) They are both quintessential Victorians. It is no longer news to note that the Victorian age was less a period of bombazine and piety than of revolt. These two people were forced to survive Victorian revolutionary optimism. They even survived Victorian pessimism of the *Dover Beach* kind, which to me always suggests that there is a comforting cup of tea waiting somewhere in the cosmic void. These two lasted long enough to doubt reason itself. Mrs. Webb's hope of a rational future, in Soviet Russia, was shaken by the Moscow trials in 1938, and her last vision of Russia, during the Second War, was of "little ants creeping about a shattered hill." In that 1941 letter to Gilbert Murray, Russell wrote: "I try to think it is worth while to remain civilized, but it seems rather thin." The world, in their lifetimes at least, had not responded to the practices of reason bred into them in their youth. We today, surely no wiser than they, seem in some senses less encumbered – which also means more naked. Nevertheless, to read the lives of these two so far above us in stature is, in a way, to feel sorry for them.

> "The oldest hath borne most: we that are young
> Shall never see so much, nor live so long,"

says the Duke of Albany, pitying Lear who, he knows, was greater.


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